

STAYTON PLANNING COMMISSION AGENDA

**Monday, June 27, 2011
7:00 pm Stayton Community Center**

- 1. CALL TO ORDER** **Chairperson Lewis**
- 2. MEETING MINUTES**
 - a. May 31, 2011**
- 3. PUBLIC HEARING – LAND USE FILE #3-05/11 Site Plan Review, Major Modification of Existing Development, Application of Cory Dent at 1794 W Ida St**

<ol style="list-style-type: none">a. Commencement of Public Hearingb. Staff Introductionc. Applicant Presentationd. Staff Reporte. Questions from the Commissionf. Proponents' Testimonyg. Opponents' Testimonyh. Governmental Agencies	<ol style="list-style-type: none">i. General Testimonyj. Questions from the Publick. Questions from the Commissionl. Applicant Summarym. Staff Summaryn. Close of Hearingo. Commission Deliberationp. Commission Decision
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- 4. PUBLIC HEARING – LAND USE FILE #4-06/11 Application for Variance to Side Yard Setback Requirement, Doyle & Christine Vicars, 1681 Partridge Ct**

<ol style="list-style-type: none">a. Commencement of Public Hearingb. Staff Introductionc. Applicant Presentationd. Staff Reporte. Questions from the Commissionf. Proponents' Testimonyg. Opponents' Testimonyh. Governmental Agencies	<ol style="list-style-type: none">i. General Testimonyj. Questions from the Publick. Questions from the Commissionl. Applicant Summarym. Staff Summaryn. Close of Hearingo. Commission Deliberationp. Commission Decision
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- 5. LAND USE FILE #4-06/10 Review of Detailed Development Plan for Master Planned Development, Application of Susan Horvat at 400 to 600 Block of E Florence Street**
 - a. Staff Report**
 - b. Commission Deliberation**
 - c. Commission Decision**
- 6. ADJOURN**

NEXT MEETING: JULY 25, 2011

STAYTON PLANNING COMMISSION AGENDA

Monday, June 27, 2011
7:00 pm Stayton Community Center

Chapman Lewis

CALL TO ORDER

MEETING MINUTES

May 31, 2011

PUBLIC HEARING - 7:00 PM - 8:00 PM
Public Hearing, Application of City Code 10.01.01

- | | |
|----------------------------------|----------------------------------|
| 1. General Testimony | a. Commission of Public Hearing |
| 2. Questions from the Public | b. Staff Information |
| 3. Questions from the Commission | c. Applicant Testimony |
| 4. Applicant Testimony | d. Staff Report |
| 5. Staff Information | e. Questions from the Commission |
| 6. Open of Hearing | f. Applicant Testimony |
| 7. Commission Decision | g. Applicant Testimony |
| 8. Commission Decision | h. Commission Decision |

PUBLIC HEARING - 7:00 PM - 8:00 PM
Public Hearing, Application of City Code 10.01.01

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| 1. General Testimony | a. Commission of Public Hearing |
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PUBLIC HEARING - 7:00 PM - 8:00 PM
Public Hearing, Application of City Code 10.01.01

- | |
|------------------------|
| 1. Staff Report |
| 2. Commission Decision |
| 3. Commission Decision |

ADJOURN

NEXT MEETING: JULY 13, 2011

STAYTON PLANNING COMMISSION
MEETING MINUTES
May 31, 2011

COMMISSIONERS: Ralph Lewis – Chairperson
Ellen Nunez – Vice-Chairperson
Carl Sampson
Doug Cudahey
Michelle Wonderling
Rich Hatfield

STAFF MEMBERS: Dan Fleishman, Planning & Development Director
Dave Kinney, Public Works Director

OTHERS PRESENT: James Wampler, Susan Horvat, Mark Grenz, Wayne Lierman, Pat Lierman, Dan Brummer, Reece Bourdeau

1. **CALL TO ORDER:** Chair Lewis opened the meeting at 7:04 pm.
2. **INTRODUCTION OF NEW MEMBER:** Rich Hatfield was introduced as the newest member of the Planning Commission. He was appointed at the May 16, 2011 Council meeting.
3. **APPROVAL OF MINUTES:**
 - a. Cudahey moved and Sampson seconded that the minutes of April 25, 2011, be approved as presented. The motion was approved unanimously.
4. **PUBLIC HEARING – LAND USE FILE #2-04/11 Legislative Amendment to the Land Use and Development Code to increase the allowable height of flagpoles in the commercial, industrial and downtown zones**

Chairman Lewis read the introductory statement and rules of procedure. Mr. Lewis inquired if there were any questions or challenges related to public notice, participation of any of the Planning Commissioners, declarations of conflict of interest, ex parte conflict or bias. There were none.

Fleishman presented the staff report. He informed the Commission he has recently denied an application for the placement of a 35-foot tall flag pole. The proposed height of the flagpole in the denied application exceeded the 20-foot height restriction in the Commercial zone. After the staff denial, the City Council heard testimony from the applicant that the Stayton Municipal Code requirements for flagpole heights were too restrictive. The City Council concurred and directed the staff to prepare a code amendment for consideration by the Planning Commission. The proposed amendment was prepared to modify the provisions of the Code to allow for placement of flag poles in the commercial zone up to a height of 35 feet, or 110% of the height of the building, whichever is greater.

Proponents: No testimony was presented.

Opponents: No testimony was presented.

Questions from the Planning Commission: Sampson asked if there are any reasons for rejecting

this proposal. Fleishman indicated that some cities regulate flag pole height to prevent the placement of very large oversize flags in commercial zones. Fleishman recommends approval of the proposed amendment.

Lewis closed the hearing at 7:08 p.m.

The Commission deliberated briefly on the issue. Cudahey moved and Nunez seconded to approve the file #2-04/11, a legislative amendment to the Stayton Municipal Code to increase the allowed height for flag poles. The motion passed unanimously.

5. PUBLIC HEARING – LAND USE FILE #9-04/10 Review of Detailed Development Plan for Master Planned Development, Application of Susan Horvat at 400 to 600 Block of E Florence Street

Lewis announced that this is the continuation of a public hearing from the April 2011 meeting, and declared the hearing open at 7:10 p.m. Lewis presented the opening statement and asked if there was objection to the notice, jurisdiction of the Planning Commission to hear the case, declarations of conflict of interest, ex parte contact or bias. There were none.

Staff Report:

Fleishman indicated the applicant submitted a new development plans just prior to the public hearing. Fleishman indicated the City will need time to review the submittals and that he recommends the hearing be continued to the July 2011 Commission meeting.

Applicant's Presentation:

Mark Grenz, 115 13th St., Salem (applicant's engineers and planners): Grenz indicated the applicant has submitted a new set of plans for the project. He presented the changes to plans which address issues raised by the Public Works and Planning departments in their staff reports.

Grenz stated the Old Mill Village is a 6.48 acre planned development. The project includes 55 lots, 34 attached single family residences, 20 detached single family residential lots, and 13 apartment units. The project includes 31,295 square feet of open space (11% of total area) that is retained in public ownership or under the control of a Homeowners Association. Two of these open spaces provide access to Stayton's Riverfront Park via the recently installed pedestrian bridge and to Pioneer Park via a future bridge over the Salem Ditch.

Grenz indicated the project has an environmentally friendly design. Pervious pavement surfaces to allow rain water to exfiltrate to the soil. Rain gardens will be required on individual lots to control storm water runoff. There will be no additional runoff from the project site. The project also includes a bio-swale as an overflow area. This is not expected to be needed due to the design of the proposed pervious pavement and rain garden system which is designed to handle storm water runoff for up to a 100-year storm event. The City Engineer has reviewed and approved the storm drainage system design calculations.

Pathway: Grenz indicated that the pedestrian path has been eliminated along Tract A, adjacent to the Stayton Power Canal. Access to the new pedestrian bridge over the Stayton Power Canal is addressed by the City acquisition of Lot 17 to the east of the bridge approach.

Open Space: Applicant proposes private open space in Tract "A", Tract "B"-turnaround, Tract "D" – along Salem Ditch. These spaces would be under control of the Homeowner's Association. Tract "B" – entry to the pedestrian bridge would be dedicated to the public. Access drives (NW to rear access) and toward Pioneer Park would be limited open space.

Sales Agreement to the City: Lot 17 will be sold to the City adjacent to the access pathway to the pedestrian bridge. Grenz stated the applicants want Lot 17 to be part of the final subdivision plat. This is one of the first issues where the applicant and City diverge. By including Lot 17 on the final subdivision plat, the City will be a signer of the plat and therefore be a member of the Homeowner's Association.

Water Main Looping: The applicants have been in discussion with the Mill Stream Woods PUD homeowners association regarding the construction of a new water main to loop back to the Mill Stream Woods development and provide for a redundant fire flow capacity to both the Mill Stream Woods and Old Mill Village development. Grenz indicated that their proposal has minor differences with the staff recommendations and city design standards for the water easement width and location.

Pervious Concrete: Grenz presented several slides showing pervious concrete with water flowing through it and open grading of the material. This material allows for water storage under the street and exfiltration of storm water through the pavement surfaces. In the event water migrates along the curbs of the street, water will flow into a series of 6 catch basins. These catch basins will also be used as monitoring points for the pervious concrete surface.

Bioswale: Grenz showed a sample bio-swale which will pull contaminants from storm water. He indicated that the bioswale is probably not needed, based on their analysis which shows the pervious concrete and rain gardens will handle storm water run-off from a 100-year storm.

Rain Garden: Grenz presented a sample cross section of a rain garden and then a slide of a rain garden within a development. He said homeowner's will be given "The Oregon Rain Garden Guide – A step by step guide for developing rain gardens". This will be part of the CC&Rs.

Storm Water Drainage Calculations were provided to the John Ashley, City Engineer. Grenz indicated that he believes this includes the details for maintenance of the storm water systems.

Street Vacation: The existing E Florence St right-of-way must be vacated through a separate public hearing process per ORS 271. This is now included in the plan sheet submittals. About 13,000 square feet will be vacated by the City.

Attached Homes w/ Florence Street Access – Slides of similar homes from the Portland area reflect the design concept for homes with living space extended over the driveway area.

Rear Access units with garages facing alleys. Street facing units with rear access do not have front driveways, but have landscaped front yard areas.

Conditions of Approval: The applicant presented a modified set of conditions of approval for consideration by the City. The proposed modified conditions read:

1. The Natural Resource Overlay District as outlined by City Staff shall be identified on the final plat.
2. Prior to the issuance of the Final Plat, the applicant will provide CC&Rs that outline ownership as determined by the City Council. The CC&Rs shall outline ownership and maintenance of the common open space.
3. Prior to the issuance of the Final Plat, the applicant shall submit a copy of the Articles of Incorporation of the Homeowners Association for review and approval by the City of Stayton Legal Department. The Articles of Incorporation of the Homeowner's Association shall specify how all common areas and facilities with the development will be maintained.
4. Prior to submittal of the Final Plat, City Council shall identify what areas (streets, open space) of the project are to be designated public or private.

5. Prior to issuance of the Final Plat, the developer will prepare and submit a development agreement for City/Developer shared improvements to the City of Stayton. These include the pedestrian bridge, off-site pedestrian walkways, the connection walkway and a future bridge to Pioneer Park or Wilderness Park on the north side of the Power Canal.
6. All sidewalk and intersection improvements shall be identified on the Final Plat as recommended by the Planning Commission.
7. The Articles of Incorporation of the Homeowner's Association shall include a maintenance program for annually sweeping, treating and vacuuming the pavement to keep the pavement pores open and functioning indefinitely. Prior to issuance of the Final Plat, the Articles of Incorporation of the Homeowners Association shall be submitted to the City.
8. Prior to issuance of the Final Plat, statements of general architectural and site design for the attached residential dwellings shall be submitted.
9. Prior to issuance of the Final Plat, the Plat shall designate that all private streets and common open space shall be owned and maintained by the Homeowner's Association.
10. When submitted, the Final Plat shall designate a public utility and access easement on the final plat for the entire length and width of the private street to the end of the cul-de-sac and a 7-foot wide public utility and sidewalk easement on both sides of the private street.
11. The applicant shall comply with either ORS 271 for the vacation of the private street or ORS 92 if the vacation is part of the subdivision platting process.
12. Prior to the issuance of the Final Plat, written approval from the Stayton Fire District of the design of the loop drive and alley shall be submitted.
13. When submitted, the Final Plat shall include a minimum of 67 dwelling units.
14. When submitted, the Final Plat shall include 5-foot sidewalks on E. Florence Street.
15. When submitted, the Final Plat shall include plans for the extension of a new sanitary sewer from Fourth Avenue through the project.
16. When submitted, the Final Plat shall include a new properly sized water main (minimum 8") [in] E. Florence Street from the 12-inch main on Third Avenue into and through the project, with some form of water main looping to the water grid.
17. Prior to issuance of the Final Plat, written approval of the proposed subdivision name from Marion County Surveyor's office shall be submitted.
18. Streets (as required by Public Works).
 - a. Florence Street improvements: Florence Street, from the east boundary of the City-owned community garden parcel to 4th Avenue, is a public street and shall be improved to the Public Works Standards from this easterly edge to the center of the 4th Avenue intersection. The public street section of Florence Street shall consist of a minimum 30-foot street improvement consisting of asphalt concrete pavement, curb and gutters, sidewalks, ADA ramps, street light(s), storm drainage, etc. A new 5' wide sidewalk on the south side of Florence Street shall be extended through the 4th Avenue intersection to an ADA ramp and curb radius at the intersection. The intersection improvements shall be shown on the plans.
 - b. 4th Avenue Street Improvements: Depending on the existing pavement condition, 4th Avenue shall be improved with a half-street improvement across the frontage of the property.
 - c. Pervious concrete pavement section. The submitted plans shall show the 8" pervious concrete pavement section over 12-inches drain rock storage layer with the appropriate rock size and drainage void ratio in accordance with the storm drainage report.
19. Water Main Design (as required by Public Works):
 - a. Water Main Design: The proposed water system design shows a looped system to the Mill Stream Woods development through a 10-foot easement centered between lots 29 and 30. City standards are for the easement to be located only on one property and not centered on

property lines. The easement width for a single waterline shall be 15-feet [see PWDS 102.08.A.5 and A.10]. The easement on the Wampler property shall be 15-feet wide and located on a single lot. The easement in the development Mill Stream Woods subdivision shall be located on one lot, but the City may allow the easement width to be reduced to 10-feet wide, depending on accessibility. This width exception will be further reviewed as part of the construction plans submittal.

- b. Public: Provisions of PWDS 102.08.A shall apply. The waterline main line shall be public with platted access, maintenance, and replacement easement. The conditions of the easement shall be such that the easement shall not be used for any purpose that would interfere with the unrestricted operation and maintenance of the utility. Under no circumstances shall a building or any other structure be placed over a utility or utility easement. This shall include overhanging structures with footings located outside the easement.

20. Grading and Drainage (as required by Public Works):

- a. Area Drains: It appears that some adjacent lots to the north of the project drain to the low-land area onsite that is shown to be filled in behind lots 37-41. An area drain behind lot 39 shall be provide in order to prevent storm water from ponding in this area. Same ponding issue appears to apply behind lot 30. Revise plans to include drainage provisions (and any easements) for this area.

21. Sewer (as required by Public Works):

- a. Sewer Main: The proposed sewer system shall be designed in accordance with Public Works and DEQ standards. Revise the sewer design to comply with the minimum pipe slope requirements.

22. Homeowner's Association Maintenance of Streets, Private Utilities and Common Open Space Area (as required by Public Works):

- a. CC&Rs: The CC&Rs shall specifically address maintenance of streets, storm drainage facilities, pathways, private utilities, landscaped areas and common spaces.
- b. O&M Plan: Prior to approval of the construction plans, the Developer shall submit a final operation and maintenance (O&M) manual and scheduled maintenance plan to the City for review and approval. The O&M manual and maintenance plan shall be developed for use by the Homeowner's Association. At minimum, the O&M manual shall address in detail the maintenance of the pervious concrete pavement within the streets, alleys, and driveways, and address in detail the pathway, rain gardens, bio-swales, and other storm water facilities, including the common landscaped areas and open spaces. Trash enclosure areas located adjacent to any LID shall also be addressed.

Grenz requested the Planning Commission approve the development as submitted with the modified conditions of approval.

Staff Report:

Fleishman indicated that the applicant has addressed many of the issues in the staff report, but he noted several items have not been addressed and these should be reviewed by the Planning Commission in a public forum rather than finalized between the applicant and the city staff. Fleishman informed the Commission that Brent Stevenson, Manager for the Santiam Water Control District, submitted an email to the City requesting that the hearing be continued because he has not reached final resolution of issues between SWCD and the applicants.

Fleishman recommended that hearing be continued. He stated there are still several items which the Planning Commission required in the Commission's July 2009 preliminary plan approval, that have not been submitted or been addressed by the applicant as part of the final development plan submittal.

In response to the applicant's proposed "modified conditions of approval" Mr. Fleishman stated he would make several changes to make distinctions between the "Final Plat", the "final construction drawings", and the "final detailed development plan".

Questions from the Commission:

Sampson asked for clarification on the pathway. He stated that the Planning Commission had directed that the pathway in Tract "A" be included in the project, but that it has been removed from the proposal in tonight's presentation. Grenz responded that the applicants have removed the path in Tract "A" and it is not part of the development proposal.

Public Works Director David Kinney provided an explanation of the City staff perspective on the acquisition of the entry area to the pedestrian bridge over the Stayton Ditch and the removal of the pathway from the project. He stated the City has made an offer to purchase Lot 17 from the applicants as a wide entry to the pedestrian bridge and the offer has been accepted by the Wampler LLC. In earlier staff reports, the public works staff recommended a 30-foot access easement to the bridge to improve public safety, provide an attractive open space and provide an area for a bio-swale. The proposed acquisition of Lot 17 will serve these purposes and provide a potential overflow retention area and a possible site for handicapped accessible parking near the pedestrian bridge. Nunez asked if the removal of the pathway was a done deal and that the Commission's recommendation was rejected.

Grenz noted that the Planning Commission has the right to make its own decision regarding whether or not the pathway will be required and that the Planning Commission has the prerogative to make a decision different from the staff recommendation.

Proponents: No testimony provided.

Opponents: Reese Bourdeau, 525 Mill Stream Woods: She expressed concern with the potential impact on the Mill Stream Woods development. She noted the water main in Mill Stream Woods is a 6" main and that last week the Mill Stream Woods Homeowner's Association voted to explore connection of a new water line to the east end of the water main in the Mill Stream Woods development. She asked how this will affect water flows. What happens if there is need for work on the water main? Lewis directed the question to Kinney. Kinney explained water lines are owned by the City and maintained by the City in both developments. He explained the City requires looping of water mains to guarantee fire flows and provide redundancy of flows.

Dan Brummer: Brummer strongly encouraged the Planning Commission to require public access along ditch and require the dedication of Tract "A" as public land. He stated that the path is part of the City's Recreation Trails Plan and should be complied with.

Governmental Agencies, General Testimony and Questions from the Public: No testimony.

Applicant's Summary:

Grenz provided a brief summary to address questions raised by the staff, Commission and public:

- A. The project is zero run-off development. Grenz stated the applicant has done soil tests, exfiltration test, water percolation tests and all of those tests show no impact to the Salem Ditch

and Stayton Ditch. Applicant is willing to provide SWCD access to the area along the Stayton Ditch for maintenance.

- B. The applicant requests the Planning Commission grant approval tonight and not continue the public hearing to July. He does not expect that some of the conditions of approval required at the preliminary plan approval will be addressed until you they get to the next stage of the development, the final plan and plat stage.
- C. Homeowners Association documents will address many of the details with management of the project and O&M manual and proposal for the storm water maintenance. He stated that the City's public works staff has not provided sufficiently detailed comments or questions on what they would like to see in the O&M requirements and maintenance schedule.
- D. Trails: The development will provide trail access to the pedestrian bridge to Riverfront Park and to the north to Pioneer Park. Although this deviates from the Trails Plan, the loop on Florence Street will provide access to the two park sites. This is ultimate goal of the trail plan and addresses concern of the Santiam Water Control District of keeping the public away from the Stayton Ditch (Power Canal).
- E. Mill Stream Woods will benefit from flow, pressure and reliability by looping the water system.

Plans that have been presented tonight address all of the issues raised by the Planning and Public Works staff. Grenz requests the Planning Commission provide direction to the staff to prepare a final order of approval.

Staff Summary:

Fleishman acknowledges that the new plans will address many of the items of concern listed in the staff report for this hearing. He stated the staff does not have concerns with the design concept for the storm system, but there is concern that the CC&Rs must demonstrate there is a commitment and investment on the part of the Homeowner's Association to address O&M issues and management of the development. These still need to be incorporated into their documents.

He stated that the City Council must decide who will own the open space and suggested this decision be made before the Planning Commission makes its decision on the application. He reiterated his recommendation that the hearing be left open for written submittals to a date certain or that the hearing be left open to the July meeting to have the applicant complete all items for the Commission.

Deliberation:

Cudahey indicates there are still disagreements between the applicant and the City. He recommends the staff to prepare a draft decision to prepare an order for consideration at the next regularly scheduled meeting. Nunez concurred. Hatfield expressed concern that there may not be agreements reached prior to the July meeting. Sampson generally concurs with other members about wanting to move forward with a decision, but has some concerns with the water control district's lack of attendance at the hearing. Lewis stated that he has concern with fairness for the proceedings. He noted that the Planning Commission has recommended that the pathway be included, but he is concerned that the staff made a deal outside these proceedings. Lewis expressed support for the project.

Lewis asked the Commission to decide whether or not to close the hearing. Four options were considered:

1. Keep hearing open.
2. Close the public hearing, but keep the written record open to a date certain.
3. Close the hearing, close the record and recommend approval.
4. Close the hearing, close the record and deny the application.

Grenz stated that he would prefer the items be addressed with a series of conditions of approval rather than bringing details back to the Planning Commission and that the Planning Commission make decisions on issues addressed during the public proceedings. Grenz indicated there is a draft agreement between the Santiam Water Control District and the Wampler LLC, but it has not been finalized.

Lewis closed the public hearing at 9:10 p.m.

Cudahey recommended proceeding with the project. Wonderling stated she is willing to accept the staff recommendation related to the public pathway along the Stayton Ditch. Sampson stated that he believes the Planning Commission should move forward. Fleishman says it is the Planning Commission's decision to approve or deny the proposal.

Motion: Cudahey moved and seconded by Nunez, that the Planning Commission approve the application of Susan Wampler representing Wampler Family LLC for detailed development plan of a master planned development partition (Land Use File# 9-04/10) with conditions to address the issues identified by Staff and direct the staff to prepare a draft order with findings, conclusions and conditions of approval for acceptance by the Planning Commission at the June 27, 2011 meeting. The motion passed 5:1 (Sampson opposed).

4. ADJOURN

The meeting was adjourned at 9:15 p.m.

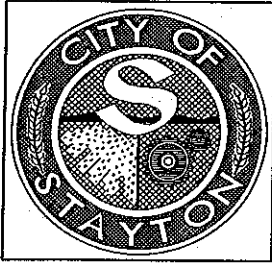
Ralph Lewis
Planning Commission Chairperson

Date

ATTEST

Dan Fleishman,
City Planner

Date



City of Stayton

Planning and Development Department

Mailing address: 362 N. Third Avenue- Stayton, OR 97383

Office location: 311 N. Third Avenue

Phone: (503) 769-2998 · FAX: (503) 767-2134

Email: dfleishman@ci.stayton.or.us

MEMORANDUM

TO: Chairperson Lewis and Planning Commission Members

FROM: Dan Fleishman, Director of Planning and Development

DATE: June 27, 2011

SUBJECT: Site Plan Review Application of Stayton Tire & Automotive, 1794 W Ida St

120 DAYS ENDS: September 24, 2011

This report presents the Planning Staff's summary and analysis concerning this application. It was developed after seeking input from other City departments and agencies.

Attached is an application for site plan review for the expansion of Stayton Tire & Automotive at 1794 W Ida St. The existing development consists of an building with approximately 3,600 square feet of floor area. The Proposal is to construct a 10-foot by 88-foot addition along the rear of the structure.

The application consists of the application form, a site plan, and a enlarged copy of the tax map.

I have enclosed in the packet a letter received from an abutting property owner.

The staff recommendation for approval with a condition is reflected in the draft order that is attached to the staff report. City staff's review of the application finds it in accordance with the approval criteria in Section 17.12.220 and Chapters 17.20 of the Land Use and Development Code with the exception of one issue. Staff has suggested the application be approved with a condition of approval to address this issue.

Section 17.16.070.3 establishes a 10-foot rear yard setback requirement in the Commercial Zone, but allows the setback to be reduced through the site plan review process. The applicant is requesting a 0.5-foot setback. The neighboring property has voiced no objection to the decreased setback provided a privacy fence is erected to screen the building. The condition of approval suggested by the Staff is erect a privacy fence..

OPTIONS AND MOTIONS:

Staff has provided the Planning Commission with a number of options, each with an appropriate motion. The Planning Department recommends the first option.

1. Approve the application with conditions, adopting the draft order as presented.

I move the Stayton Planning Commission approve the application for Site Plan Review of Stayton Tire & Automotive (Land Use File # 03-05/11) and adopt the draft order presented by Staff.

2. Approve the application with conditions, adopting modifications to the draft order.

I move the Stayton Planning Commission approve the application for Site Plan Review of Stayton Tire & Automotive (Land Use File # 03-05/11) and adopt the draft order with the following changes...

3. Deny the application, adopting the findings and conclusions of the draft order.

I move that the Stayton Planning Commission deny the application for Site Plan Review of Stayton Tire & Automotive (Land Use File # 03-05/11) and adopt the findings of fact and conclusions of the draft order.

4. Continue the hearing until July 25, 2011.

I move the Stayton Planning Commission continue the public hearing on the application for Site Plan Review of Stayton Tire & Automotive (Land Use File # 03-05/11) until July 25, 2011.

5. Close the hearing and record, and continue the deliberation to the next meeting.

I move the Stayton Planning Commission continue the deliberation on the application for Site Plan Review of Stayton Tire & Automotive (Land Use File # 03-05/11) until July 25, 2011.



CITY OF STAYTON
APPLICATION FOR MAJOR MODIFICATION TO
APPROVED PLANS OR EXISTING DEVELOPMENTS

PROPERTY OWNER: Jim Billings
Address: 579 36th Ave N.E.
City/State/Zip: Salem, OR. 97301
Phone: (503) 362 - 5159
Email: _____

APPLICANT: Cozy Dent
Address: 6 1794 W. Ida
City/State/Zip: Stayton, OR 97383
Phone: (503) 767 - 7677
Email: STA @ STAYtonTime.com

APPLICANT'S REPRESENTATIVE: _____
Address: _____
City/State/Zip: _____
Phone: () _____ - _____
Email: _____

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING

Name: _____
Address: _____
City/State/Zip: _____
Phone: () _____ - _____
Email: _____

ENGINEERING

Name: _____
Address: _____
City/State/Zip: _____
Phone: () _____ - _____
Email: _____

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

☐ owner ☒ applicant ☐ applicant's representative ☐ planning consultant ☐ engineer

LOCATION:

Street Address: 1794 W. Ida Stayton, OR. 97383
Assessor's Tax Lot Number and Tax Map Number: 91W09DC Lot # 9400
Closest Intersecting Streets: Noble & Ida

ZONE MAP AND COMPREHENSIVE PLAN DESIGNATION: CG

ORIGINAL LAND USE APPLICATION TYPE AND FILE # _____

SIGNATURE OF APPLICANT: [Signature]

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 5/23/11 Fee Paid: \$ 1,300 Receipt No. 1.06423A
Land Use File# 03-05/11

West Ida St.

Existing Sidewalk

Stayton Tire

Scale: 1"=30'

(Parking)

Existing Sidewalk

Oak St.

Existing 99x36'
Building

88'3"x10'
Addition

Note: Addition to be constructed with 2 layers type X gypsum to provide 2 hr. fire rating where constructed within 10' of south property line

Owners: James & Judy Billings
579 36th Ave NE
Salem, OR 97301

Property ID:
R103411
1794 W. Ida St
Stayton, OR 97383
Map: 091W09DC07400

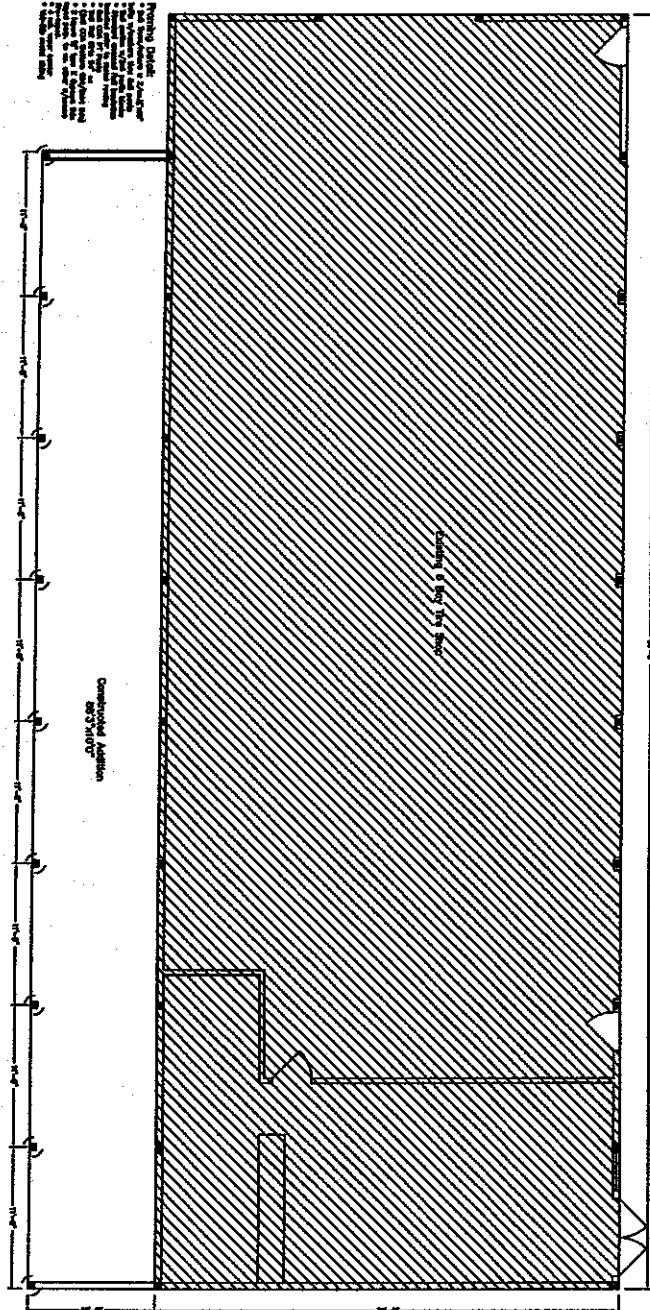
Zoning: CG (Commercial
General)

Legal Acreage: 0.43 acres

North

Floor Plan

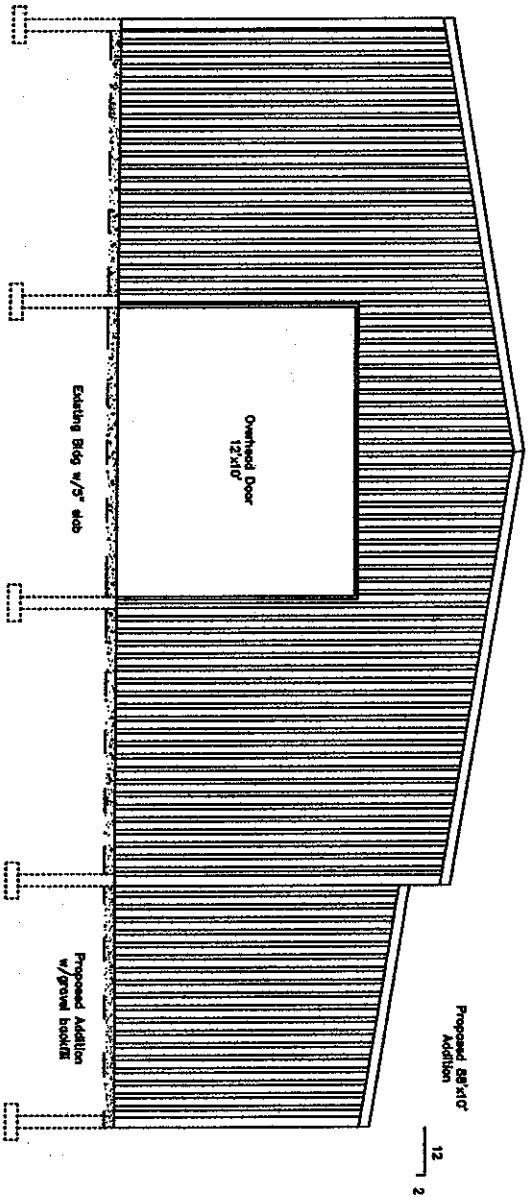
Scale: 1"=15'



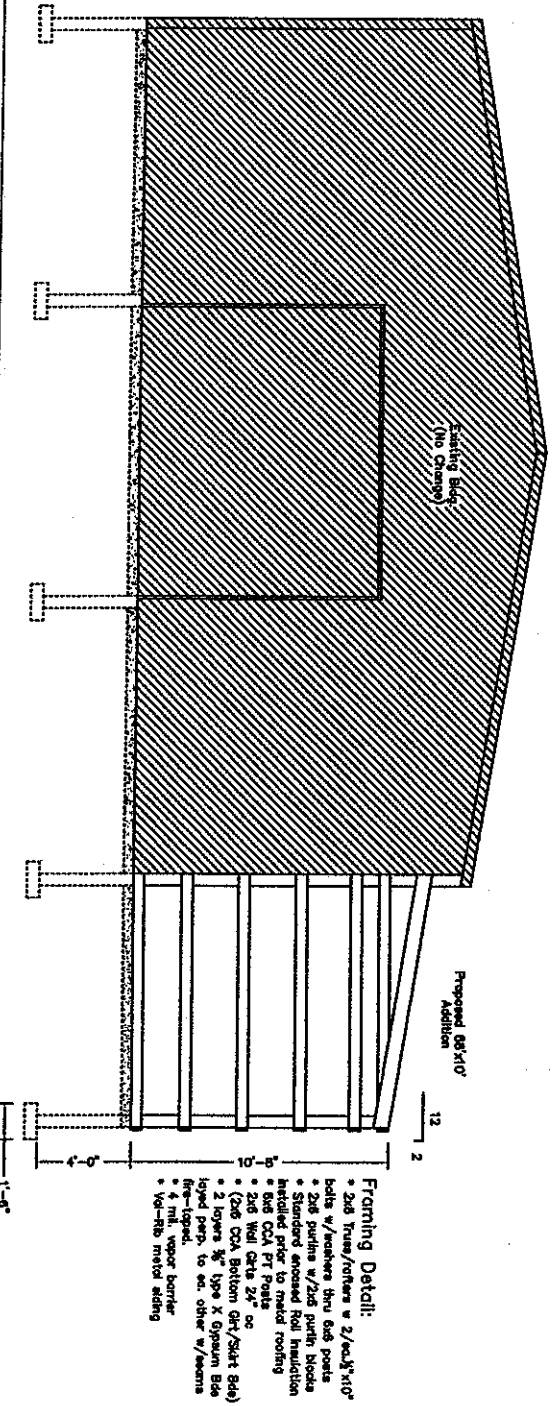
North Arrow
 The North Arrow is located in the upper right corner of the plan. It is a simple arrow pointing towards the top of the page, indicating the direction of North.

Note: Addition to be
 constructed within 10' of
 existing structure. The
 addition shall be
 constructed with 10' of
 south property line.

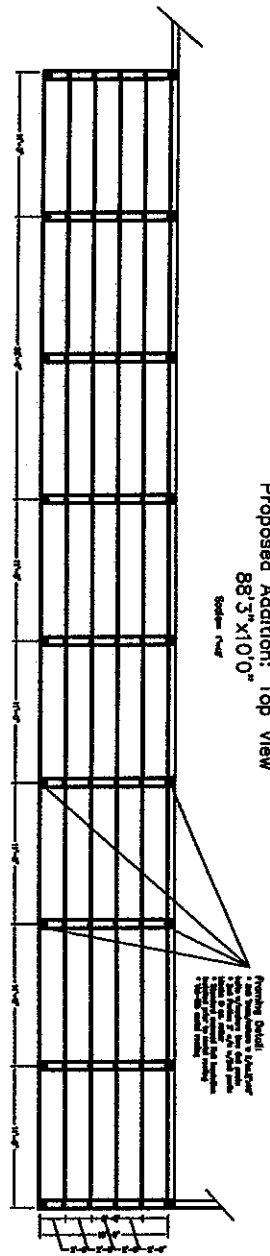
West Elevation View
Scale: $\frac{1}{8}" = 1'$



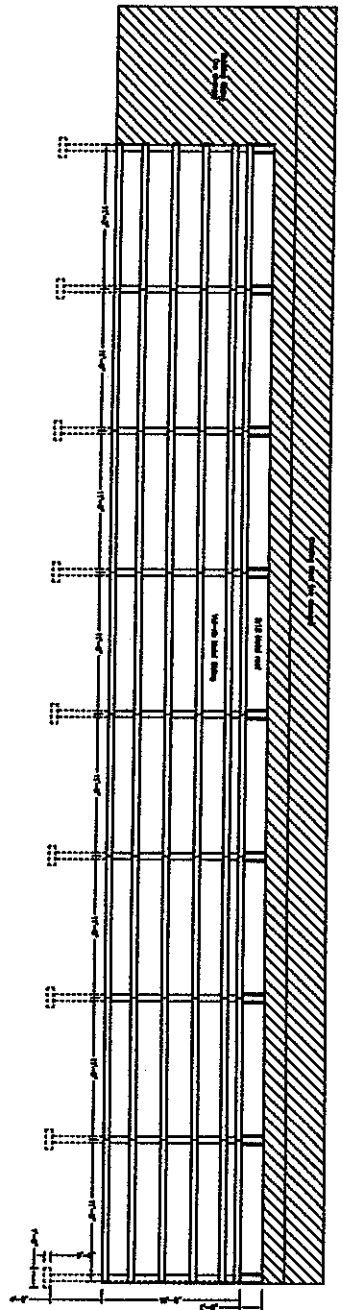
West Elevation Framing
Scale: $\frac{1}{8}" = 1'$



Proposed Addition: Top View
88'3"x10'0"



Proposed Addition: South
Elevation View
88'3"x10'0"



BEFORE THE STAYTON PLANNING COMMISSION

In the matter of
The application of
Cory Dent, dba
Stayton Tire & Automotive

)
) Site Plan Review
) File # 03-05/11
)

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF APPLICATION

The applicant is requesting site plan approval for the major expansion of an existing development.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on June 27, 2011. At that hearing the Planning Commission reviewed Land Use File #03-05/11, application for site plan review, and it was made part of the record.

III. FINDINGS OF FACT

A. GENERAL FACTS

1. The owners are James and Judy Billings.
2. The applicant is Cory Dent who rents the property and operates the existing business, Stayton Tire and Automotive.
3. The property can be described as tax lot 7400 on Map 91W9DC.
4. The property is zoned Commercial General (CG).
5. The property is located at 1794 W Ida St.
6. The property is approximately 19,800 square feet in area, with approximately 130 feet of frontage on Ida St and 150 feet of frontage on Oak Ave. The parcel is currently used as a general automotive repair garage.
7. The properties to the east are in the Medium Density Residential Zone (MD) and are developed as a multifamily dwelling and a duplex. The property to the south is zoned Low Density Residential (LD) and is developed as a single family dwelling. The property to the west is zoned CG and are used as a produce wholesaler and retail meat market. The properties to the north is zoned CG and are used as single family dwellings.
8. The proposal is to construct a 10-foot by 88-foot addition onto the rear of the existing building. The addition will be located 6 inches from the southerly property line.

B. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Santiam Water Control District, Wave Broadband, Stayton Cooperative Telephone Company, Pacific Power, Northwest Natural Gas, Stayton Fire District, Stayton Police Department, North Santiam School District, Marion County Public Works, and Marion County Planning Division.

No comments were received from any of the above agencies.

C. PUBLIC COMMENTS

The surrounding property owners were notified of a pending site plan review. Written comments were received from the owner of the property to the south.

D. ANALYSIS

Site plan review applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.220 and applicable provisions of the Development and Improvement Standards of Title 17, Chapters 20 and 26. This application must also meet the requirements of the Section 17.16.050.6 – Nonconforming Developments.

E. APPROVAL CRITERIA

Section 17.12.220.5 Site Plan Review Criteria. Pursuant to SMC 17.12.220.5 the following criteria must be demonstrated as being satisfied by the application:

- a. *The existence of, or ability to obtain, adequate utility systems (including water, sewer, surface water drainage, power, and communications) and connections, including easements, to properly serve development in accordance with the City's Master Plans and Standard Specifications.*

Finding: The property is currently developed and provided with complete utility services. The project will not require any change in public utility services.

- b. *Provisions have been made for safe and efficient internal traffic circulation, including both pedestrian and motor vehicle traffic, and for safe access to the property from those public streets and roads which serve the property in accordance with the City's Transportation System Plan and Standard Specifications.*

Finding: The Public Works Director waived submission of a Traffic Assessment Letter. The project will not increase the traffic generation from the property.

- c. *Provision has been made for all necessary improvements to local streets and roads, including the dedication of additional right-of-way to the City and/or the actual improvement of traffic facilities to accommodate the additional traffic load generated by the proposed development of the site in accordance with Chapter 17.26.*

Finding: Ida Street is designated as a major collector street under City jurisdiction. The City Engineer has not indicated that the proposal will have any impacts on Ida Street.

- d. *Provision has been made for parking and loading facilities as required by Section 17.20.060.*

Finding: Section 17.20.060.10 contains the development standards for parking lots. There will be no change in requirement for customer parking.

- e. *Open storage areas or outdoor storage yards shall meet the standards of Section 17.20.070.*

Finding: There are no open storage areas or outdoor storage yards proposed.

- f. *Site design shall minimize off site impacts of noise, odors, fumes or impacts.*

Finding: The potential off-site impact is due to the proximity of the proposed addition to the southerly property line. Section 17.16.070.3 requires a rear yard setback of 10 feet when the property is adjacent to a residential district unless less of setback is established through the site plan review procedure. The owner of the property to the south has proved a written statement that he does not object to the application if a wood privacy fence is erected along the property line.

- g. *The proposed improvements shall meet all applicable criteria of either Section 17.20.190 Residential Design Standards, or Section 17.20.200 Commercial Design Standards. Relevant portions of Section 17.20.200 include:*

1. *SIZE RESTRICTIONS.*

- a. *All retail stores are limited to 30,000 square feet of gross floor area.*

Finding: After the addition, the building will be less than 4,500 square feet gross floor area.

2. *SITE DESIGN.*

- a. *Height Step Down. To provide compatible scale and relationships between new multi-story commercial buildings and existing adjacent single-story dwellings, the multi-story building(s) shall "step down" to create a building height transition to adjacent single-story building(s).*

The transition standard is met when the height of any portion of the taller structure does not exceed 1 foot of height for every foot separating that portion of the multi-story building from the adjacent dwelling.

Finding: The building and the addition are only one story in height.

- b. *Building Orientation. All new commercial developments shall have their buildings oriented to the street. The following standards will apply:*

Except as provided in subsections 2 and 3 below, all buildings shall have at least 1 primary building entrance facing an adjoining street (i.e. within 45 degrees of the street property line), or if the building is turned more than 45 degrees from the street (i.e. the front door is on a side elevation), the primary entrance shall not be more than 20 feet from a street sidewalk and a walkway shall connect the primary entrance to the sidewalk.

- i. *In commercial districts, off street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, except as provided under subsection 3. Off street parking in the commercial districts shall be oriented internally to the site and divided by landscaped areas meeting the standards of Section 17.20.060.10.*

Finding: The off-street parking is existing and no change is proposed.

- ii. *In commercial districts, the building orientation standard may be met with vehicle areas allowed between the street right-of-way and a building's primary entrance when the decision authority finds that the following criteria are met:*

1. *Placing vehicle areas between the street right-of-way and the building's primary entrance will not adversely affect pedestrian safety and convenience based on: the distance from the street sidewalk to the building entrance, projected vehicle traffic volumes, available pedestrian walkways, and Section 17.26, Title 12, Standard Specifications and the adopted Transportation System Plan.*

Finding: The existing building is located more than 100 feet from the front lot line.

2. *The proposed vehicle areas are limited to 1 driveway meeting the requirements of 17.26, Title 12, Standard Specifications and the adopted Transportation System Plan, with adjoining bays of not more than 8 consecutive parking spaces per bay (including ADA accessible spaces) on the side(s) of the drive aisle.*

Finding: The existing development has two driveways on W Ida St and one driveway on Oak Ave.

3. *The building's primary entrance is connected to an adjoining street by a pedestrian walkway that meets the standards of Section 17.26.020.5.*

Finding: There is no existing pedestrian connection between the building and the sidewalk on Ida St.

3. **ARCHITECTURAL STANDARDS.**

- c. *Pedestrian Orientation. The design of all buildings on a site shall support a safe and attractive pedestrian environment. This standard is met when the decision authority finds that all of the following criteria are met:*

- i. *Primary building entrances shall open directly to the outside and, if not abutting a street, shall have walkways connecting them to the street sidewalk.*

Finding: There is no existing pedestrian connection between the building and the sidewalk on Ida St.

- ii. *Corner buildings shall have corner entrances or shall provide a least 1 entrance within 20 feet of the street corner or street plaza.*

Finding: The existing building is more than 100 feet from W Ida St

- iii. *Ground floor windows or window displays shall be provided along at least 45% of the building's ground floor street-facing elevations(s). windows and display boxes shall be integral to the building design.*

Finding: The ground floor contains auto repair bays with overhead doors and a combination of doors and window. Of the retail portion of the building, at least 45% of the street facing elevation is windows.

- iv. *Primary building entrance(s) are designed with weather protection such as awnings, canopies, overhangs, or similar features.*

Finding: There is an awning or overhang over the primary entrance

- v. *Drive-through facilities, when allowed, shall conform to Section 17.20.860.6.t.*
h. *The design and placement of buildings and other structural improvements on a site shall provide compatibility in size, scale, and intensity of use between the development proposed and similar development on neighboring properties.*

Finding: The proposed addition is one-story with a 10' 8" tall wall. The addition will be located less than one foot from the property line.

- i. *The design of the proposed improvements will fulfill the intended purpose of the requested use and will properly serve customers or clients of the proposed improvements.*

Finding: The proposal will expand the area available for the indoor storage of materials and merchandise

- j. *Landscaping of the site shall prevent unnecessary destruction of major vegetation, preserve unique or unusual natural or historical features, provide for vegetative ground cover and dust*

control, present an attractive interface with adjacent land uses and be consistent with the requirements for landscaping and screening in Section 17.20.090.

Finding: The area of the proposed structure was gravel surfaced.

- k. *The design of any visual, sound, or physical barriers around the property such as fences, walls, vegetative screening, or hedges, shall allow them to perform their intended function without undue adverse impact on existing land uses.*

Finding: There are no fences or screening proposed.

- l. *The lighting plan satisfies the requirements of Section 17.20.170.*

Finding: The application does not include information regarding outdoor lighting.

- m. *The applicant has established continuing provisions for maintenance and upkeep of all improvements and facilities.*

Finding: The applicant will provide needed maintenance.

Section 17.16.050.6 Nonconforming Developments. Pursuant to SMC 17.16.050.6 the a substantial alteration or expansion of a legally existing nonconforming development must comply with all applicable standards of the Code. The determination of whether an expansion is "substantial" depends on the floor area of the expansion compared to the existing floor area, the value of the alteration compared to the total value of the property and the extent to which the portion of the development is leased property.

Finding: The existing building is 3600 square feet and the proposed addition is 882 square feet. The property is leased to the applicant, who is constructing the addition.

III. CONCLUSION

Based on the facts above, the Planning Commission concludes that the proposal is not a substantial expansion or alteration and that the application meets the requirements established in SMC Section 17.12.220, except for the following:

1. 17.12.220.5.f and 17.12.220.5.h, which could be met if the applicant constructs a 7-foot high wooden privacy fence along the southerly property line.

IV. ORDER

Based on the conclusion above, the Planning Commission approves the application as shown on an plan entitled "Stayton Tire" prepared by Croff Const. and dated February 3, 2011, and the accompanying materials on file in the Planning Department subject to the following condition of approval:

1. The applicant shall construct a 7-foot wooden privacy fence along the southerly property line except within 10 feet of Oak Ave.

The approval is also subject to the attached Standard Conditions of Approval for Land Use Applications.

V. OTHER PERMITS AND RESTRICTIONS

The applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

The City of Stayton Land Use review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfying any restrictions or conditions

there on. The land use permit approval herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

In accordance with Section 17.12.120.7, the land use approval granted by this decision shall be effective only when the exercise of the rights granted herein is commenced within 1 year of the effective date of the decision. In case such right has not been exercised or extension obtained, the approval shall be void. A written request for an extension of time may be filed with the Director of Planning and Development at least 30 days prior to the expiration date of the approval.

VI. APPEAL DATES

The Planning Commission's action may be appealed to the Stayton City Council pursuant to Stayton Municipal Code Section 17.12.110 APPEALS.

Ralph Lewis,
Planning Commission Chairperson

Date

Dan Fleishman,
Director of Planning and Development

Date

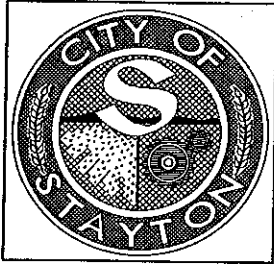
DRAFT

Standard Conditions of Approval for Land Use Applications

1. Minor variations to the approved plan shall be permitted provided the development substantially conforms to the submitted plans, conditions of approval, and all applicable standards contained in the Stayton Land Use and Development Code.
2. **Agency Approval:** The applicant shall obtain all necessary permits and approvals from the City of Stayton prior to construction of the project.
3. **Change in Use** - Any change in the use of the premises from that identified in the application shall require the City Planner to determine that the proposed use is an allowed use and that adequate parking is provided on the parcel.
4. **Landscaping** - The applicant shall remain in substantial conformance to the approved landscaping plan and follow the criteria established in SMC 17.20.090 for maintenance and irrigation. Dead plants shall be replaced within six months with a specimen of the same species and similar size class.
5. **Utilities** - Utility companies shall be notified early in the design process and in advance of construction to coordinate all parties impacted by the construction.
6. **Agency Approval** - The Developer shall be responsible for all costs relating to the required public improvements identified in the approved plan and the specific conditions of approval and within the City Ordinances and Standard Specifications. The developer is also responsible for securing design approval from all City, State and Federal agencies having jurisdiction over the work proposed. This includes, but is not limited to, the City of Stayton, the Fire District, Marion County, DEQ, ODHS (water design), DSL 1200C (state excavation permit), etc
7. **Construction Bonding** - Bonding shall be required if there are any public improvements. Prior to start of construction of any public improvement, the developer shall provide a construction bond in the amount of 100% of the total project costs, plus added City costs associated with public construction. The bond shall be in a form acceptable to the Director of Public Works.
8. **Inspection** - At least five days prior to commencing construction of any public improvements, the Developer shall notify the Director of Public Works in writing of the date when (s)he proposes to commence construction of the improvements, so that the City can arrange for inspection. The written notification shall include the name and phone number of the contracting company and the responsible contact person. City inspection will not relieve the developer or his engineer of providing sufficient inspection to enforce the approved plans and specifications.
9. **Public Works Standards** - Where public improvements are required, all public and private public works facilities within the development will be designed to the City of Stayton, Standard Specifications, Design Standards & Drawings (PW Standards) plus the requirements of the Stayton Municipal Code (SMC). (SMC 12.08.310.1)
10. **Engineered Plans** - Where public improvements are required, the applicant's engineer shall submit design plans for approval of all public improvements identified on the approved plan or as specified in conditions of approval. All design plans must meet the Stayton PW Standards. Engineered construction plans and specifications

shall be reviewed by the City Engineer and signed approved by the City Engineer, or Stayton Public Works Department, prior to construction.

11. **Street Acceptance** - Where public improvements are required, acceptance of completed public street improvements associated with the project shall be in accordance with SMC 12.04.210.
12. **Construction Approval** - All public improvements and public utilities shall be fully constructed and a letter of substantial completion provided by the City Engineer prior to any building permit applications being accepted or issued unless the required improvements are deferred under a non-remonstrance or other agreement approved and signed by the City. Construction items must be completed within a specified period of time provided in the approval letter or the approval of any additional building permits will be withdrawn by the City.
13. **Maintenance Bond** - After completion and acceptance of a public improvement by the City, the developer shall provide a 1-year maintenance bond in the amount of 30% of the construction bond amount. The bond shall be in a form acceptable to the Director of Public Works.
14. **As-Builts** - Where public improvements are required, the developer shall submit to the City, reproducible as-built drawings and an electronic file of all public improvements constructed during and in conjunction with this project. Field changes made during construction shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). As-built drawings shall be submitted prior to final acceptance of the construction, initiating the one-year maintenance period.
15. **Drainage Permit** - A 1200C permit will be secured by the developer if required under the rules of the Oregon State DEQ.
16. **SDC** - Systems Development Charges are applied to the project at the time of issuance of a building permit.



City of Stayton

Planning and Development Department

Mailing address: 362 N. Third Avenue Stayton, OR 97383

Office location: 311 N. Third Avenue

Phone: (503) 769-2998 • FAX: (503) 767-2134

Email: dfleishman@ci.stayton.or.us

MEMORANDUM

TO: Chairperson Lewis and Planning Commission Members

FROM: Dan Fleishman, Director of Planning and Development

DATE: June 27, 2011

SUBJECT: Variance Application of Doyle and Christine Vicars, 1981 Partridge Ct

120 DAYS ENDS: October 8, 2011

This report presents the Planning Staff's summary and analysis concerning this application. It was developed after seeking input from other City departments and agencies.

Attached is an application for a variance from the side yard setback requirements for an accessory building. The applicants currently have a concrete pad for storing their recreational vehicle and desire to construct a structure to protect the RV from the weather. The pad and the proposed structure are on the side property line.

The application consists of the application form, and a site plan. I have attached to this staff report an aerial photo showing the neighborhood in April 2008. The subject property is highlighted in blue. The public utility easements are shown in yellow.

All of the surrounding property owners have privacy fences. The aerial photo shows that there are a number of accessory structures in the neighborhood that are on the property line.

OPTIONS AND MOTIONS:

Staff has provided the Planning Commission with a number of options, each with an appropriate motion. The Planning Department recommends the first option.

1. Approve the application, adopting the draft order as presented.

I move the Stayton Planning Commission approve the application for a Variance of Doyle and Christine Vicars (Land Use File # 04-06/11) and adopt the draft order presented by Staff.

2. Approve the application with conditions, adopting modifications to the draft order.

I move the Stayton Planning Commission approve the application for a Variance of Doyle and Christine Vicars (Land Use File # 04-06/11) and adopt the draft order with the following changes...

3. Deny the application, adopting the findings and conclusions of the draft order.

I move that the Stayton Planning Commission deny the application for a Variance of Doyle and Christine Vicars (Land Use File # 04-06/11) and adopt the findings of fact and conclusions of the draft order.

4. Continue the hearing until July 25, 2011.

I move the Stayton Planning Commission continue the public hearing on the application for a Variance of Doyle and Christine Vicars (Land Use File # 04-06/11) until July 25, 2011.

5. Close the hearing and record, and continue the deliberation to the next meeting.

I move the Stayton Planning Commission continue the deliberation on the application for a Variance of Doyle and Christine Vicars (Land Use File # 04-06/11) until July 25, 2011.





CITY OF STAYTON
APPLICATION FOR VARIANCE TO THE LAND USE AND
DEVELOPMENT CODE

PROPERTY OWNER: Doyle + Chris Vicars
Address: 1681 Partridge Ct.
City/State/Zip: Stayton, OR 97383
Phone: (503) 769-9161
Email: _____

APPLICANT: Doyle + Chris Vicars
Address: 1681 Partridge Ct.
City/State/Zip: Stayton, OR 97383
Phone: (503) 769-9161
Email: _____

APPLICANT'S REPRESENTATIVE: Dean Blades
Address: P.O. Box 124
City/State/Zip: Stayton, OR 97383
Phone: (503) 551-8358
Email: deanb@wvi.com

CONSULTANTS: Please list below planning and engineering consultants, if any.

PLANNING

Name: _____
Address: _____
City/State/Zip: _____
Phone: () - -
Email: _____

ENGINEERING

Name: _____
Address: _____
City/State/Zip: _____
Phone: () - -
Email: _____

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

☐ owner ☐ applicant ☒ applicant's representative ☐ planning consultant ☐ engineer

LOCATION:

Street Address: 1681 Partridge Ct.
Assessor's Tax Lot Number and Tax Map Number: 041WDC Lot # 00300
Closest Intersecting Streets: Quail Run + Partridge Ct.

ZONE MAP AND COMPREHENSIVE PLAN DESIGNATION: LD

LAND USE AND DEVELOPMENT CODE SECTION FROM WHICH A VARIANCE IS SOUGHT: 17.20.040.4

DESCRIBE THE PROPOSED VARIANCE REQUEST: Zero Ft Side Yard Set back

SIGNATURE OF APPLICANT: _____

DO NOT WRITE BELOW THIS LINE

Application received by: DPF Date: 6/7/11 Fee Paid: \$ 1309⁰⁰ Receipt No. 10-000322

Land Use File# 0A-06/11

NARRATIVE STATEMENT

VARIANCE REQUEST FOR RED & CHRIS VICARS
1681 PARTRIDGE CT., STAYTON, OR

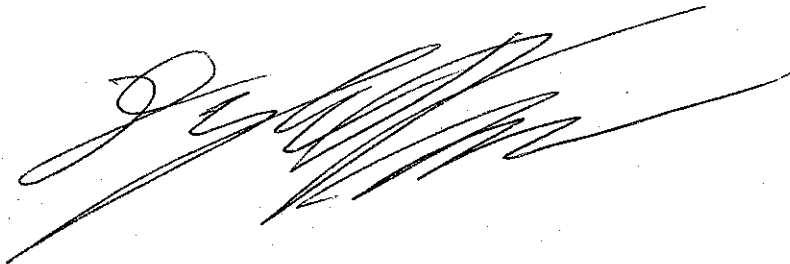
This property is on a corner lot in the Quail Run development. We are looking to add a simple carport type roof over an existing RV pad, engineered plans are included. The RV is already being stored in this location. The reason for asking for this variance is because of the location of the existing house on the lot by the builder does not give sufficient clearance from the property line to allow for the 5' setback normally required.

Granting this variance would allow this structure to be built to current building code vs. putting up an unsafe temporary metal structure like the many already existing around town now, which are not in compliance with code. This variance request does not create any identifiable conflict with any of the adjoining property owners or the Comprehensive Plan.

We cannot make a statement that this is not the result of a condition imposed by a previous owner or the builder, as we are not sure if the current location of the house is one that was dictated by city planning at the time of construction. We are asking for this variance simply to make sure the structure meets building codes and is safer than most you may find being erected around town without permits. The temporary looking metal covers are far more unsafe than the structure we have proposed for this location.

Thank you for your consideration

Doyle Vicars

A handwritten signature in black ink, appearing to read 'Doyle Vicars', written over a horizontal line.

June 15, 2011

To: City of Stayton
Planning and Development Department
362 N. Third Avenue
Stayton, Oregon 97383

APPLICANT: Doyle & Christine Vicars

TAX MAP 091W04DC LOT NUMBER 00300

RE: Specific Variance Criteria.

- 1) Variance to Land Use Regulations.
 - A) Due to a utility right-of-way on the west side of the lot.
 - B) Other properties are able to have similar structures in our zoning district.
 - C) The variance would allow for an ascetically pleasing motor home cover.
Which would not generate the adverse impact of the blue tarp.
 - D) Just for residential use.
 - E) The variance on the north would be one foot and zero on the east.
Because of no room to pass house.
 - F) Want to be able to do what others already can do in the zoning district.
 - G) Property has a utility right-of-way easement.

From: Doyle and Christine Vicars
1681 Partridge Court
Stayton, Oregon 97383

Not to scale

↑
N

Eagle Street

Herman Fink
1678 Eagle St.

Inez Ambrosek
1668 Eagle Street

Building

MH

Doyle and Christine Vicars
1681 Partridge Ct.

David Ormonde
1691 Partridge Ct.

gate

gate

car

Quail Run Ave

Partridge Court

WORK
AREA

S
↓

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of
The application for
Doyle & Christine Vicars

) Variance
) File # 4-06/11
)

ORDER OF APPROVAL

I. NATURE OF APPLICATION

The applicant is requesting a side yard variance for an accessory structure.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on June 27, 2011. At that hearing the Planning Commission reviewed Land Use File #4-06/11, application for variance, and it was made part of the record.

III. FINDINGS OF FACT

A. GENERAL FACTS

1. The owners and the applicant of the property are Doyle & Christine Vicars.
2. The property can be described as tax lot 00300, Township 9, Range 1 West of the Willamette Meridian, Section 04DC.
3. The property is zoned Low Density Residential (LD).
4. The property is located at 1681 Partridge Court and is currently developed with a detached single family dwelling.
5. The property is in the Quail Run Meadows subdivision. All of the surrounding properties are zoned Low Density (LD) Residential and have detached single family homes.
6. The proposal is for a variance to requirements of Special Regulations for Accessory Buildings, 17.20.040.4, of the Stayton Land Use and Development Code that requires a side yard setback of 5 feet.
7. The applicant a side yard setback of 0 feet.

B. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Santiam Water Control District, Willamette Broadband, Stayton Cooperative, Pacific Power & Light, NW Natural Gas, Stayton Fire District, Stayton Police Department, Marion County Public Works and Marion County Planning Division.

No comments were received on this application.

C. PUBLIC COMMENTS

The surrounding property owners were notified of a pending variance.

No comments were received on this application prior to the public hearing.

D. ANALYSIS

Variance applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.200.6.

E. APPROVAL CRITERIA

Pursuant to SMC 17.12.200.6 the following criteria must be demonstrated as being satisfied by the application:

a. *General Criteria Applicable to All Requests.*

- 1) *The granting of the variance would not be materially detrimental to the public health, safety, or welfare or the overall public interest of the citizens of the City as expressed within this title and the adopted Comprehensive Plan.*

Finding: The property is surrounded by wooden privacy fences.

- 2) *The granting of the application complies with the applicable specific approval criteria as follows:*

b. *Specific Variance Criteria*

1) *Variance to Land Use Regulations*

- a. *The property is subject to exceptional or extraordinary circumstances such as lot size, shape, topography, or other similar circumstances over which the property owner has no control and which do not generally apply to other properties in the same zoning district and/or vicinity.*

Finding: The applicant states the unique circumstances of the project are due the existence of a utility easement on the west side of the lot.

- b. *The variance is necessary for the reasonable preservation of a property right of the applicant which is the same as that enjoyed by other landowners in the zoning district.*

Finding: The applicant states other properties are able to have similar structures.

- c. *The variance would conform to the purposes of the applicable zoning regulations and would not generate a significant adverse impact on the other property in the same zoning district or vicinity.*

Finding: The applicant states that the proposed use is for storage of a recreational vehicle and the proposed structure would have less of an impact than a blue tarp.

- d. *Approval of the variance would not create an identifiable conflict with the provisions of the Comprehensive Plan or achieve the same conditions and a comprehensive plan amendment or zone change for the property.*

Finding: The applicant states that the property will stay in residential use.

- e. *The variance being requested is the minimum relief available to alleviate the difficulty giving rise to the application.*

Finding: The applicant states that without the variance as requested, there is not room to pass the house in order to store the recreational vehicle in the rear.

f. The variance would not have the effect of granting a special privilege not generally shared by other property in the same zoning district.

Finding: The applicant states that others in the area have accessory structures

g. The request for the variance is not the result of an action taken by the applicant or a prior owner.

Finding: The applicant states that the property has a utility easement.

III. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements established in SMC 17.12.200.6

IV. ORDER

Based on the conclusion above, the Planning Commission approves the application subject to the attached standard conditions of approval for land use applications.

VI. APPEAL DATES

The Planning Commission's action may be appealed to the Stayton City Council pursuant to Stayton Municipal Code Section 17.12.110 APPEALS.

Ralph Lewis,
Planning Commission Chairperson

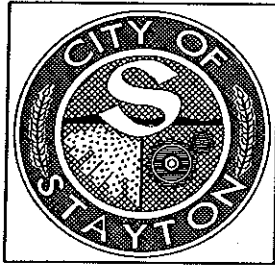
Date

Dan Fleishman,
Planning & Development Director

Date

Standard Conditions of Approval for Land Use Applications

1. Minor variations to the approved plan shall be permitted provided the development substantially conforms to the submitted plans, conditions of approval, and all applicable standards contained in the Stayton Land Use and Development Code.
2. **Agency Approval:** The applicant shall obtain all necessary permits and approvals from the City of Stayton prior to construction of the project.
3. **Change in Use** - Any change in the use of the premises from that identified in the application shall require the City Planner to determine that the proposed use is an allowed use and that adequate parking is provided on the parcel.
4. **Landscaping** - The applicant shall remain in substantial conformance to the approved landscaping plan and follow the criteria established in SMC 17.20.090 for maintenance and irrigation. Dead plants shall be replaced within six months with a specimen of the same species and similar size class.
5. **Utilities** - Utility companies shall be notified early in the design process and in advance of construction to coordinate all parties impacted by the construction.
6. **Agency Approval** - The Developer shall be responsible for all costs relating to the required public improvements identified in the approved plan and the specific conditions of approval and within the City Ordinances and Standard Specifications. The developer is also responsible for securing design approval from all City, State and Federal agencies having jurisdiction over the work proposed. This includes, but is not limited to, the City of Stayton, the Fire District, Marion County, DEQ, ODHS (water design), DSL, 1200C (state excavation permit), etc.
7. **Construction Bonding** - Bonding shall be required if there are any public improvements. Prior to start of construction of any public improvement, the developer shall provide a construction bond in the amount of 100% of the total project costs, plus added City costs associated with public construction. The bond shall be in a form acceptable to the Director of Public Works.
8. **Inspection** - At least five days prior to commencing construction of any public improvements, the Developer shall notify the Director of Public Works in writing of the date when (s)he proposes to commence construction of the improvements, so that the City can arrange for inspection. The written notification shall include the name and phone number of the contracting company and the responsible contact person. City inspection will not relieve the developer or his engineer of providing sufficient inspection to enforce the approved plans and specifications.
9. **Public Works Standards** - Where public improvements are required, all public and private public works facilities within the development will be designed to the City of Stayton, Standard Specifications, Design Standards & Drawings (PW Standards) plus the requirements of the Stayton Municipal Code (SMC). (SMC 12.08.310.1)
10. **Engineered Plans** - Where public improvements are required, the applicant's engineer shall submit design plans for approval of all public improvements identified on the approved plan or as specified in conditions of approval. All design plans must meet the Stayton PW Standards. Engineered construction plans and specifications



City of Stayton

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MEMORANDUM

TO: Chairperson Ralph Lewis and Planning Commission Members
FROM: Dan Fleishman, Planning & Development Director
DATE: June 27, 2011
SUBJECT: Old Mill Village – Detailed Development Plan for Master Planned Development, 400-600 Block E Florence Street
120 DAYS ENDS: Waived by applicant

BACKGROUND

In July 2009 the Planning Commission granted preliminary conceptual plan development to this proposed master planned development with 18 conditions of approval. The Planning Commission began a public hearing on April 25, 2011 on the detailed development plan and the hearing was continued until May 31.

At the May 31 continuance the applicant submitted revised plans. At the close of the public hearing, the planning commission voted to approve the plan and directed staff to prepare appropriate findings of fact, conclusions, a decision, and conditions of approval

REVIEW AND ANALYSIS

Previous staff reports have noted that there were a number of items that had not been submitted or needed to be revised. These issues have now been addressed in the conditions of approval. The draft Conditions of Approval have been organized into four groups:

- Changes that must be made to the Detailed Development Plan before it receives the signature of the Planning Commission Chairman.
- Issues to be addressed in the development and submission of the engineered construction drawings
- Issues to be addressed in the development of the final plat
- Issues to be addressed as buildings are constructed in the subdivision

The previous staff reports had indicated that the City had entered into a contract with the property owners for the purchase of land in the development. Whereas that contract was still pending at the time the record closed, the draft order reflects it is a proposed purchase, even though the transaction has now closed and the City is the owner of the parcel.

Staff has shared the draft order with the applicant and it appears the applicant has concurred with the findings and conclusions, and conditions with one exception. Whereas the record has closed, there is not the opportunity for the applicant or members of the public to participate in your review of the draft order. I therefore agreed to convey to the Planning Commission the applicant's concerns on that issue and to provide alternative language for the order.

I believe that the only issue in contention is my recommendation that the Planning Commission require the alley behind lots 48-54 to connect to the proposed parking area for the multifamily dwellings on Lot 55. Staff believes the project would be greatly improved if vehicular access was provided between the two. This would allow the alley to be narrowed, will facilitate service by garbage trucks, etc. The applicant had indicated they would look at the issue, but the plan has not been changed. The applicant's concern is that doing so would adversely impact the design of the parking area for the multifamily dwellings on Lot 55. The Planning Commission could provide some flexibility into the condition by adopting the following language instead:

The alley behind Lots 48-54 shall be revised to provide through vehicular connection to Lot 55. If during the site plan review procedure for the multifamily buildings on Lot 55 the Decision Authority determines that the required number of parking spaces can not be provided with a through connection from the alley, then the alley may be closed.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the order as presented.

OPTIONS AND SUGGESTED MOTIONS:

1. Adopt the Order as presented.

I move that the Stayton Planning Commission adopt the Order of Conditional Approval for the application of Susan Wampler representing Wampler Family LLC for detailed development plan approval of a master planned development partition (Land Use File# 9-04/10) as presented by staff.

2. Adopt the Order with changes.

I move that the Stayton Planning Commission adopt the Order of Conditional Approval for the application of Susan Wampler representing Wampler Family LLC for detailed development plan approval of a master planned development partition (Land Use File# 9-04/10) with the following changes ...

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of
The application of
Susan Horvat, Applicant

) Detailed Development Plan for
) Master Planned Development
) File # 9-04/10

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF APPLICATION

The application is for detailed development plan approval of a Master Planned Development to be known as Old Mill Village. The proposal is to subdivide a 6.5-acre lot into a 55-lot, 67-dwelling unit subdivision.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on April 25, 2011 and continued until May 31, 2011.

Following the close of the public hearing, the Planning Commission reviewed the material and testimony on the record, began deliberations on the application, and reached the following findings, conclusions, and decision.

III. FINDINGS OF FACT

A. GENERAL FACTS

1. The owner of the property is Wampler Family LLC.
2. The applicant is identified as Susan Horvat. Ms. Horvat is a member of the Wampler family and partner in the LLC.
3. The property can be described as Tax Map 091W10DC, Lots 07000, 07100, 07101, 07600, 07700, 07800, 07900 and Tax Map 091W10DD Lots 00400, 00600, 00700, and 00800.
4. The property is zoned Downtown Residential Mixed Use (DRMU), Downtown Medium Density Residential (DMD) and Natural Resource Overlay District (NROD).
5. The property is located at the corner of N Fourth Ave and E Florence St and along E Florence Street.
6. The property is abutted on the south by land owned by the Santiam Water Control District (SWCD) and the Stayton Power Canal. It is abutted on the east by land owned by the SWCD and leased by the City of Stayton as Wilderness Park. It is abutted on the north by land owned by the City of Stayton and used as Pioneer Park, by single family detached homes in the Millstream Woods development, by single family detached homes on Ida Street, and by a commercial establishment on Fourth Ave. The property to the west across Fourth Ave is used as a credit union. The property immediately to the west is owned by the City of Stayton and currently used as a community garden.
7. The Stayton Power Canal and most of the land to its south are zoned Public/Semi-Public (P). There is land on the south side of the Canal across from the subject property zoned Light Industrial but used as a single family detached residence. The property to the east is zoned P.

- 3) Properly related to other services of the community as a whole and to those facilities and services yet to be provided.
- 4) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Master Planned Development.

Finding: The applicant has indicated the development will not be phased.

1. The design criteria of Section 17.24.100 are met.

Findings relative to Sections 17.24.100 are discussed below.

Section 17.24.100 MASTER PLANNED DEVELOPMENT DESIGN STANDARDS

2. *REGULATIONS THAT MAY BE MODIFIED.* The site development standards of this Title shall apply to a Master Planned Development except the following which may be modified.
 - a. Minimum lot area, width, frontage, setbacks, and height.
 - b. Where the development provides common parking areas for adjacent uses, no minimum number of parking spaces will be required. It is the developer's responsibility to provide adequate off street parking and loading areas. In proposing the parking areas, the developer shall provide the decision authority with information in expected demand for parking.

Finding: The application has reduced the lot size below the minimum required for 53 of the 54 single family lots.

3. *PROFESSIONAL DESIGN TEAM.* A professional design team will be required for all Master Planned Developments. The applicant must certify, in writing, that the following professionals will be provided:
 - a. A licensed architect or professional designer.
 - b. A registered professional engineer.
 - c. A landscape architect or landscape designer.

Finding: The application has indicated that each of the above professionals have been involved in the preparation of the plans.

4. *DESIGN STANDARDS.* The following design standards shall be met by preliminary plans for Master Planned Developments.
 - a. *Density.* When calculating the density for a Master Planned Development, the density may be averaged across the development to meet the density criteria, allowing a clustering of development and preservation of open space. If a development is located in more than one zone, the maximum number of dwelling units shall be calculated by determining the number of units permitted in those portions of the development in each zone. Dwelling units may be provided in any mix of attached or detached single family, duplex, triplex, or multifamily dwellings.

Finding: The applicant has indicated that the total acreage of the parcel is 6.46 acres, with 15,449 square feet or 0.35 acres in the DRMU zone. The minimum residential density in the DRMU zone

is 12 units per acre or 5 units required. There are 6.11 acres in the DMD zone with a minimum of 10 units per acre or 62 units required. Therefore, the minimum number of dwelling units is 67.

Density bonuses may be granted when one or more of the following criteria are met up to a 25% increase in density.

- 1) *Where the percentage of open space increases. The bonus shall permit a 1% increase in the maximum dwelling density for each percentage point increase of open space above the minimum required in Section 17.24.100.3.e.*
- 2) *When the decision authority determines that the architectural standards proposed for the development exceed the design standards provided by the underlying zone district through quality, distinctive and innovative design, and use of architectural amenities, a density bonus of up to 5% may be granted.*
- 3) *Up to a 5% density increase may be granted by the decision authority for provision of additional facilities including, but not limited to: community buildings, indoor recreation facilities (e.g. athletic club, fitness center, tennis courts, swimming pool), or outdoor recreation facilities (e.g. golf course, driving range, swimming pool, tennis court, basketball courts, or similar use).*
- 4) *Up to a 5% density increase may be granted by the decision authority for preservation of significant natural features, historical landmarks, or wetlands through clustering and site design.*

Finding: The applicant has not requested any density bonuses.

- b. *All of the applicable land use, development, and design standards contained in Sections 17.16, 17.20, and 17.26, Title 12, Standard Specifications and adopted Master Plans shall be met except as may be modified in accordance with subsection 1 of this Section.*

Findings relative these requirements can be found below.

- c. *Natural Landscape. Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the landscape and particular attention shall be given to the retention of natural features of the site.*

Finding: Open space is provided along the Stayton Power Canal and Salem Canal, as well as in the center of the development north of E Florence St. Sheet 8 is a Tree Conservation Plan that shows the locations of existing trees to be preserved in the rear yards of lots 27, 30, and 31. The draft covenants do not make reference to a prohibition on cutting these identified trees.

- d. *Recreational areas (active and passive) shall be dispersed throughout the development.*

Finding: Passive recreation areas are along the perimeter of the development and open space proposed to be owned by the homeowners association is centrally located on the north side of E Florence St. There are no plans for active recreation areas.

- e. *Master Planned Developments shall contain a minimum of 25% open space, except in the downtown zones, where the open space requirement shall be 10%. The decision authority may waive the requirement for open space when the master planned development is adjacent to and provides access to a public park or other open space*

area that is accessible by the public. Open space shall be integral to the master plan. Plans shall emphasize gathering places such as plazas, parks and trails. Where public or common private open space is designated the following standards apply:

Finding: The plan provides for a total of 31,295 square feet of open space. The applicant intends that 29,138 square feet be owned by the homeowners association and 2,157 will be dedicated to the City. With a total area of 292,418 square feet, more than 10% of the parcel is in open space.

- 1) *The open space area shall be shown on the detailed plan and recorded with the final plat.*

Finding: The open space is shown on the detailed development plan.

- 2) *The open space shall be conveyed in accordance with one of the following methods:*
 - a) *At the sole discretion of the City Council, open space may be dedicated to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City Planner and Public Works Director with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities.*
 - b) *By conveying title to a nonprofit corporation, lot-owners association or other legal entity, with a conservation easement deeded to the City. The terms of such lease or other instrument of conveyance must include provisions for maintenance suitable to the decision authority, with advice from the City Planner, Public Works Director, and City Attorney.*

Finding: In September 2009, the City Council determined that the open space along the Salem Ditch (Tract D), the open space along the Power Canal (Tracts A and C), and the open space providing access to the pedestrian bridge from E Florence St (Tract B) would be dedicated to the City. At that time, the City Council also determined that the open space in the loop street (Tract F) would be owned by the homeowners association. The applicant now proposes that all open space other than Tract B would be owned by the homeowners association.

- i. *Whenever any privately owned open space areas, recreation facilities, community buildings or other facilities are provided, an association of owners shall be created under state law. Owners within the development shall automatically be members and shall be assessed levies for maintenance of the facilities. The period of existence of such association will be at least 20 years, and it shall continue thereafter until a majority vote of the members shall terminate it.*

Finding: The applicant has proposed the establishment of a homeowners association. The draft covenants establish the association and provide for its existence of at least 20 years.

Section 17.24.050 DESIGN STANDARDS FOR SUBDIVISION AND PARTITION PRELIMINARY PLANS

1. STREETS.

- a. *Streets shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable*

curves. Streets shall conform to the location, alignment, and width as indicated on the official map of streets known as the Future Street Plan in the adopted Stayton Transportation System Plan.

Finding: The application proposes that E Florence St be continued in alignment with a 50-foot right of way. The city requires a 30-foot improvement on a 50-foot right-of-way for cul-de-sacs up to 450 feet in length. Whereas this proposed cul-de-sac is nearly double this length, the Public Works Department has recommended that the applicant must either construct the private street as proposed with a 30-foot pavement width on a 50-foot right of way, with no parking permitted on one side of the street improvement. Parking will be permitted on only one side of the street.

- b. *Streets should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.*

Finding: The E Florence St/Fourth Ave intersection is close to perpendicular and no change in its alignment is proposed.

- c. *The criteria of a and b above may be modified where the applicant can demonstrate to the decision authority that the topography, or the small number of lots involved, or any other unusual conditions justify such modification.*

Finding: Modification of these standards has not been requested.

- d. *Bikeways and pedestrian ways shall be required in accordance with the City of Stayton Non-Motorized Plan in the adopted Stayton Transportation System Plan.*

Finding: The Non-Motorized Trails Plan (Figure 6-27) of the Transportation System Plan and Trails Plan (page 5-36) of the Parks Master Plan show a proposed off-street walkway along the Stayton Power Canal. The Detailed Development Plan provides for public access on the sidewalk on E Florence St and dedication of Tract B to City for access to the pedestrian bridge across canal. The Detailed Development Plan also shows public access from the end of the cul-de-sac to a future pedestrian bridge to Pioneer Park.

The preliminary conceptual plan approval included a condition of approval that the detailed plan include a pedestrian path along the north side of the Power Canal.

The City intends to purchase property in the development area. The City will be purchasing Tract B and Lot 17 as shown on the Detailed Development Plan for the purpose of providing public access to the pedestrian bridge and handicapped parking.

Staff has informed the Planning Commission that with the purchase of Tract B and Lot 17 staff no longer believes that a pedestrian path on the north side of the Power Canal is necessary and that access along the E Florence St sidewalk will meet the intent of the master plans.

- e. *Concrete curbs and concrete sidewalks shall be installed on all streets. The location and width of sidewalks shall be determined by the decision authority. In making such determination, the decision authority shall take into consideration the topography of the land, the presence of improvements, trees or other plantings, the type of street, and the location of sidewalks, if any, in adjacent areas or subdivision.*

In residential neighborhoods, sidewalks shall be placed along the property line whenever possible. In all cases, sidewalks shall be placed 1 foot from the property line on arterial and collector streets.

Finding: The Detailed Development Plan shows 5-foot sidewalks along E Florence St.

2. *DEDICATION OF A RIGHT-OF-WAY. If a parcel of land to be divided includes any portion of a right-of-way or street, the preliminary plan shall show where such right-of-way or street will be dedicated for the purpose or use proposed.*

Finding: The detailed development plan shows the location of future right of way for E Florence St, areas of the existing E Florence St right of way proposed to be vacated and the dedication of land to the City for a proposed off-street pedestrian trail. The plan proposes that the City vacate 13,428 square feet of the E Florence St right of way for conversion of the street from a public street to a private way. The approved preliminary conceptual plan had proposed dedication of 19,796 square feet along the north side of the Stayton Power Canal and on a portion of the north boundary of the parcel, adjacent to Pioneer Park for a net dedication of 6,368 square feet. However, the Detailed Development Plan proposes dedication of only 2,157 square feet in Tract B.

3. *DEAD-END STREETS AND CUL-DE-SACS. When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets shall be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-de-sacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the decision authority, the length of the street to the cul-de-sac bulb shall not exceed 450 feet in length.*

Finding: The Detailed Development Plan proposes a cul-de-sac street longer than 450 feet. The Public Works Department indicated during the preliminary conceptual plan review that the parcel is in a unique location and there is no practical way to continue the street to another public street and the Planning Commission allowed a cul-de-sac street longer than 450 at that time

4. *RESERVE BLOCK*

- a. *Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the decision authority, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the land comprising such strips is placed in the name of the City for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the decision authority.*
- b. *In no case shall a reserve block be platted along a street that is dedicated to the required full width.*

Finding: No reserve blocks are proposed by the applicant or suggested by the Public Works Department

5. STREET WIDTHS.

- a. *The location, width, and grade of all streets must conform to any approved transportation master plan or recorded subdivision plat. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.*

Finding: Extension of the proposed street would require a bridge across Salem Ditch and street across Pioneer Park or across Stayton Power Canal and across open space park land not intended for development. A street extension to the north, east or south is not shown in the Transportation Master Plan. The City Engineer and Public Works Director have indicated support for the Planning Commission to allow the proposed dead-end cul-de-sac.

- b. *In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.*

Finding: The City Engineer has indicated that new streets would not be desirable.

- c. *When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the decision authority may require dedication of streets to a greater width than herein otherwise provided.*

Finding: The western portion of the parcel is in a mixed use zone. The Public Works Department has indicated that the proposed 50-foot right of way is acceptable.

- d. *The street right-of-way in or along the boundary of a subdivision shall have the minimum width as specified in Standard Specifications for Public Works Construction, Section 300 - Street Design Standards, 2.07, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties. Temporary dead-end streets. Dead-end streets that may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.*

Finding: The boundary streets for this proposed subdivision are N Fourth Ave and a portion of E Florence St. N Fourth Ave meets the 60-foot right of way requirement and the E Florence St meets the 50-foot right of way requirement for cul-de-sac streets.

e. *Additional Right-of-Way Widths.*

- 1) *Where topographical requirements necessitate either cuts or fill for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.*
- 2) *Where bikeways necessitate, additional right-of-way width may be required.*

Finding: The Public Works Department has not indicated that additional right of way width is desirable.

6. *SUBDIVISION BLOCKS.*

- a. *Block lengths and widths shall be determined by giving consideration to the following factors:*
 - 1) *The distance and alignment of existing blocks and streets.*
 - 2) *Topography.*
 - 3) *Lot size.*
 - 4) *Need for and direction of the flow of through and local traffic.*
- b. *Block length and perimeter standards are specified in Section 17.26.020.5.c.*
- c. *Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.*

Finding: Block length is dictated by the existence of the cul-de-sac.

7. *MID-BLOCK WALKS. Where topographical or other conditions make necessary blocks of unusual length, the decision authority may require the developer to install mid-block pedestrian walks on a right-of-way at least 6 feet in width, which shall be hard surfaced throughout the block, and curb to curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.*

Finding: The Detailed Development Plan includes a "mid-block walk" on the south side of E Florence St to connect to the pedestrian bridge over the Stayton Power Canal to Riverfront Park. The Plan also includes a pedestrian access from the cul-de-sac to a possible future bridge over the Salem Ditch to Pioneer Park. There are no features on the north side of E Florence St to which a mid-block walk would connect.

8. *LOT SIZE- LOT LINES*

- a. *Lot sizes shall be as specified in the zoning district in which the land division is being proposed.*
- b. *If topography, drainage, location, or other conditions justify, the decision authority may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.*
- c. *In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, and in no case shall the lot width be less than 60 feet at the building line.*
- d. *Side lot lines shall be as close to right angles to the front street as practicable.*
- e. *Unless otherwise approved, rear lot lines shall be not less than 1/2 the width of the front lot lines.*
- f. *The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.*

Finding: Section 17.24.090.5.d exempts a master planned development from these requirements.

9. *PUBLIC SURVEY MONUMENTS. Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.*

Finding: This is a requirement for the final plat.

10. *SEWAGE DISPOSAL.*

- a. *All extensions of the existing City sewage facilities shall be in accordance with the adopted Wastewater Master Plan. Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the Public Works Director.*

Finding: The Detailed Development Plan includes a new sanitary sewer from Fourth Avenue through the project. The need to provide for extending sewer service beyond the development is not anticipated due to the unique location. The City Engineer has noted that the proposed sanitary sewer plans (Sheet 7) do not meet the City's minimum pipe slope requirements.

- b. *If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing City sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the City may allow individual sewage disposal facilities approved by the health officer to be installed on each lot when and as buildings are erected thereon.*

Finding: Public sewage facilities are available to the parcel.

11. *PUBLIC USE AREAS*

- a. *Subdivision and partition preliminary plans shall provide a minimum of 5% of the gross area of the subdivision or partition as public recreation area.*
- b. *Such public recreational area shall have access to a public street, and the decision authority may specify the location of such area to be compatible with existing or anticipated recreational development.*
- c. *As an alternative to subsection a. of this section, in cases where such recreational area would not be effectively used because of size or the location of the subdivision or partition, or where agreed upon by the decision authority, the developer shall pay to the City a fee, earmarked for recreational use and development.*

Finding: Section 17.24.090.5.d exempts a master planned development from these requirements.

12. *WATER SUPPLY.*

- a. *All lots shall be served from the established public water system of the City or, if permitted by the decision authority, from community or public wells, of which the water*

quality and system maintenance shall be in accordance with the requirements of the Oregon Board of Health or the county health officer.

Finding: The applicant proposes service from the public water system. The Detailed Development Plan includes an 8 inch water main connecting to the existing 12-inch main in N 3rd Ave. The Plan shows the water system will be looped to the Mill Stream Woods development through a 10-foot easement centered between lots 29 and 30. The City Engineer has commented that City standards are for the easement to be 15 feet in width and located only on one property and not centered on property lines.

- b. *In the event that larger lines are deemed necessary by the City for service to adjoining areas than what would normally be required to serve the area to be subdivided, the City will pay the additional costs of such larger lines based on the current rate schedule adopted by the City.*

Finding: The Public Works Department has not required larger water lines than are deemed necessary for the proposed development.

13. UNDERGROUND UTILITIES.

- a. *All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted with the exception of poles used exclusively for street lighting and other equipment appurtenant to underground facilities that the utility companies have indicated in writing that there would be impractical difficulty to install underground.*
- b. *The subdivider shall provide underground electricity and telephone service and wiring for future street lighting. The subdivider shall also provide such present street lighting, gas lines, and cable television or other data transmission lines as are available within 500 feet of the proposed subdivision.*

Finding: The applicant proposes underground utilities.

Section 17.20.220 DOWNTOWN DEVELOPMENT DESIGN STANDARDS

14. *Design Standards for Attached Residential Structures. The standards of this section apply to development of attached residential structures in the Downtown Zones.*

- a. *Landscaping. The purpose of this standard is to create an attractive landscaped area when residential structures are set back from the front lot line. In addition to the requirements of Section 17.20.090, landscaping must be provided between structures and the street, as follows:*
 - 1) *Foundation landscaping. All street-facing elevations must have landscaping along their foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:*
 - a) *The landscaped area must be at least 3 feet wide;*

- b) *There must be at least one three-gallon shrub for every 3 lineal feet of foundation. Shrubs shall meet the plant material requirements of Section 17.20.090.8; and*
 - c) *Ground cover plants must cover the remainder of the landscaped area in accordance with Section 17.20.090.8.*
- 2) *Front yard trees. There must be at least one tree in front of each residential structure. On corner lots, there must be one tree for each 30 feet of frontage on the side street. Tree selection is subject to an approved tree list maintained by the Public Works Director.*

Finding: Almost the entire front façade of the attached dwellings is either garage door or front entrance door. The Landscape Detail (Sheet 12) shows ornamental grasses and Japanese Andromeda shrubs planted in front of the remaining portions of the façade. The remaining front area is shown as landscaped and a rain garden. The Plan includes planting and maintenance requirements for the rain garden.

- b. *Building setback on public streets and public plazas. The purpose of this standard is to reinforce the existing development pattern in downtown Stayton where buildings are placed close to the street.*

- 1) *Primary buildings must not be set back from the front lot line more than 20 feet.*

Finding: The Driveway Plan (Sheet 4) shows a maximum building setback of 20 feet on the single family detached dwellings. The setback for the attached single family dwellings is not designated but appears to be no more than 20 feet. Conformance with this requirement will be assured at the time of building permit issuance.

- c. *Residential buffer. The purpose of this standard is to provide a transition in scale where a Downtown Zone is adjacent to a residential zone. Where a site in a Downtown Zone abuts or is across a street from an LD or MD zone, the following is required:*

- 1) *On sites that abut an LD or MD zone the following must be met:*

- a) *In the portion of the site within 25 feet of the residential zone, the building height limits are those of the adjacent residential zone; and*
- b) *A 10 foot deep area landscaped to the standards of Section 17.20.090 must be provided along any lot line that abuts the residential zone.*

- 2) *On sites across the street from a LD or MD zone the following must be met:*

- a) *On the portion of the site within 15 feet of the intervening street, the height limits are those of the residential zone across the street; and*
- b) *A 10 foot deep area landscaped to the standards of Section 17.20.090 must be provided along the lot line across the street from the residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.*

Finding: The site is adjacent to LD zones. Attached single family dwellings on Lot 33 and on Lots 40 through 54 will be within 25 feet of the LD Zone. The maximum building height in the LD zone is 35 feet or 2 ½ stories. The Attached Dwelling Plan (Sheet 5) shows a proposed building height of 2 stories and less than 35 feet.

- d. *Avoid large monumental building elevations. The purpose of this standard is to provide for variety and articulation of buildings similar to the existing development pattern in downtown Stayton. In addition to the Architectural Standards set out in Section 17.20.190.3, the front elevation of large structures must be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division may be accomplished by any feature found in Section 17.20.190.3.b.*

Finding: The Attached Dwelling Plan (Sheet 5) shows the front façade is divided into planes of 500 square feet or less.

- e. *Roofs. The purpose of this standard is to require traditional roof forms consistent with existing development patterns in downtown Stayton. Roofs should have significant pitch, or if flat, be designed with a cornice or parapet. Primary structures must have either:*
- 1) *A sloped roof with a pitch that is no flatter than 6/12 and no steeper than 12/12; or*
 - 2) *A roof with a pitch of less than 6/12 if either:*
 - a) *The space on top of the roof is used as a deck or balcony that is no more than 150 square feet in area and is accessible from an interior room; or*
 - b) *A cornice or parapet that meets the following:*
 - i. *There must be two parts to the cornice or parapet. The top part must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice or parapet; and*
 - ii. *The cornice or parapet shall be at least 18 inches high on buildings greater than less than 30 feet in height and at least 24 inches high on buildings 30 feet or greater in height.*

Finding: The Attached Dwelling Plan (Sheet 5) shows roof slopes of 8:12.

- f. *Main entrance. The purpose of this standard is to locate and design building entrances that are safe, accessible from the street, and have weather protection.*
- 1) *Location of main entrance. The main entrance of the primary structure must face the street lot line or plaza. Where there is more than one front lot line or plaza, the entrance may face either of them or to the corner. For residential developments there are the following exceptions:*
 - a) *For buildings that have more than one main entrance only one entrance must meet this requirement.*
 - b) *Entrances that face a shared landscaped courtyard are exempt from this requirement.*
 - 2) *Front porch at main entrances to residential uses in a mixed-use development. In the DRMU Zone, there must be a front porch at the main entrance to residential portions*

of a mixed-use development, if the main entrance faces a street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat. If the main entrance is to a single dwelling unit, the covered area provided by the porch must be at least 6 feet wide and 4 feet deep. If the main entrance is to a porch that provides the entrance to 2 or more dwelling units, the covered area provided by the porch must be at least 9 feet wide and 7 feet deep.

Finding: The Attached Dwelling Plan (Sheet 5) shows the front door faces the street.

g. Vehicle areas. The purpose of this standard is to emphasize the traditional development pattern in downtown Stayton where buildings connect to the street, and where vehicular parking and loading areas are of secondary importance.

- 1) Alleys. If the site is served by an alley, access for motor vehicles must be from the alley, not from a street frontage.*

Finding: A private alley has been proposed for access to the attached single family dwelling on lots 47 through 53.

- 2) Vehicle areas between the building and the street. Except for allowed parking in front of approved garages, there are no vehicle areas allowed between the building and the street. If a site is a corner lot, this standard must be met on both frontages. If a site has more than two front lot lines, this standard must be met on two frontages.*

Each dwelling unit in an attached residential structure is allowed one 9-foot wide driveway.

Finding: The Driveway Plan (Sheet 4) shows parking areas only in driveways or garages. The Driveway Plan shows the driveways as 9 feet in width for each dwelling unit.

- 3) Parking areas in the front yard. Except for allowed parking in front of approved garages, parking areas may not be located in the front yard.*

Finding: Front yards are narrow enough that parking will only be in driveways.

- 4) Attached garages. When parking is provided in a garage attached to the primary structure and garage doors face a street all of the following standards must be met:*

- a) The garage must not be more than 40 percent of the length of the building frontage or 8 feet long, whichever is greater.*
- b) The front of the garage shall be set back at least 4 feet from the front facade of the house.*

Finding: The Attached Dwelling Plan (Sheet 5) shows that garage doors will be recessed 4 feet behind the overhanging second story of the structure.

- c) Unless the garage serves three or more residential units, garage doors that are part of the street-facing elevations of a primary structure may be no more than 75 square feet in area.*

Finding: The Attached Dwelling Plan (Sheet 5) shows garage doors of less than 75 feet square feet in area.

- d) *There may be no more than one garage door per 16 feet of building frontage.*

Finding: There is only one garage door for each dwelling.

- 5) *Driveways. Driveways for attached residential structures must meet the following.*

- a) *Driveways may be paired so that there is a single curb-cut providing access to two attached houses. The maximum width allowed for the paired driveway is 18 feet.*
- b) *There must be at least 18 feet between single or paired driveways. The distance between driveways is measured along the front lot line.*

Finding: The Driveway Plan (Sheet 4) shows Lots 2 & 3, 5 & 6, 7 & 8, 9 & 10, 11 & 12, 33 & 34, 35 & 36, 37 & 38, 40 & 41, 42 & 43, 44 & 45, and 46 & 47 will have paired driveways. Each paired driveway is 18 feet in width all driveways are separated by at least 18 feet.

- h. *Foundation material. The purpose of this standard is to minimize the impact of exposed foundations. Plain concrete block or plain concrete may only be used as exposed foundation material if the foundation material is not revealed more than 18 inches above the finished grade level adjacent to the foundation wall. Otherwise, exterior finish materials must be used.*

Finding: The Attached Dwelling Plan (Sheet 5) does not indicate the foundation materials or the height of reveal.

- i. *Exterior finish materials. The purpose of this standard is to require high quality materials that are complementary to the traditional materials used in downtown Stayton.*

- 1) *Smooth concrete block, plain concrete, corrugated metal, full-sheet plywood, synthetic stucco, and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each facade. Composite boards manufactured from wood or other products, such as hardboard or hardiplank, may be used when the visible portion of the board product is less than 6 inches wide.*
- 2) *Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes or board and batten.*
- 3) *Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with an exposure of 3 to 6 inches, or vinyl or aluminum siding which is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.*

Finding: The Attached Dwelling Plan (Sheet 5) does not indicate the exterior finish materials.

- j. *Windows. The purpose of this standard is to require the design of buildings, particularly windows, to follow original traditions established by older buildings in downtown Stayton. Street-facing windows must meet the following. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from this standard:*
- 1) *Each window must be square or have the vertical dimension greater than the horizontal dimension;*

2) *A horizontal window may be created when:*

- a. *Two or more vertical windows are grouped together to provide a horizontal opening in the wall facade, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or*
- b. *There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover at least 20 percent of the total height of the window.*

Finding: The Attached Dwelling Plan (Sheet 5) does not provide window dimensions. The illustration shows the window above the entry door appears to have a vertical dimension greater than its horizontal dimension. The windows over the garages appear to have a horizontal dimension greater than their vertical dimension.

- k. *Trim. The purpose of this standard is to require the design of buildings, particularly the use of trim around major building elements, to follow original traditions established by older buildings in downtown Stayton. Trim must mark all building rooflines, porches, windows and doors on all elevations. The trim must be at least 3½ inches wide. Buildings with an exterior material of stucco or masonry are exempt from this standard.*

Finding: The Attached Dwelling Plan (Sheet 5) does not indicate the width of building trim. The illustrations do show extensive trim work.

- l. *Roof-mounted equipment. The purpose of this standard is to minimize the visual impact of roof-mounted equipment. All roof-mounted equipment, including HVAC facilities and satellite dishes and other communication equipment, must be screened in one of the following ways. Solar heating or solar electric panels are exempt from this standard:*
 - 1) *A parapet as tall as the tallest part of the equipment;*
 - 2) *A screen around the equipment that is as tall as the tallest part of the equipment; or*
 - 3) *The equipment is set back from the street-facing perimeters of the building 3 feet for each foot of height of the equipment.*

Finding: The Attached Dwelling Plan (Sheet 5) does not indicate any roof-mounted equipment.

- m. *Exterior stairs and fire escapes. The purpose of this standard is to minimize the visual impact of fire escapes and exterior stairs. Exterior stairs, other than those leading to a main entrance, must be at least 40 feet from all streets. Fire escapes must be at least 40 feet from all streets.*

Finding: The Attached Dwelling Plan (Sheet 5) does not indicate any exterior stairs or fire escapes.

- n. *Roof eaves. The purpose of this standard is to require the design of buildings, particularly projecting roof eaves, to follow original traditions established by older buildings in downtown Stayton. Roof eaves must project from the building wall at least*

12 inches on all elevations. Buildings that take advantage of the cornice option are exempt from this standard.

Finding: The Attached Dwelling Plan (Sheet 5) does not indicate the amount of projection of roof eaves.

- o. Trash Receptacles. The purpose of this standard is assure that the location of trash receptacles does not detract from the visual appeal of downtown Stayton. In addition to the standards of Section 17.20.190.2.c.8, trash receptacles must be stored in the rear yard.*

Finding: The Attached Dwelling Plan (Sheet 5) does not indicate the location of trash receptacles.

IV. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the conditions of approval placed on the preliminary conceptual plan and the requirements established in Section 17.24.090.5, Section 17.24.100, Section 17.24.050, and Section 17.20.220.2 except for the following:

- Condition of Approval 3 and Section 17.24.100.3.e. This section provides that the City Council has the sole discretion as to whether the common open space will be owned by the City or the homeowners association. In September 2009, City Council determined that the open space along the Salem Ditch and the Stayton Power Canal were to be dedicated to ownership by the City. This section will be met if the applicant and city staff put the question of ownership of the common open space before the City Council and the Council makes its determination before the submittal of a final Detailed Development Plan for the Planning Commission chairman's signature.
- Parts b and d of Condition of Approval 4 and Section 17.24.100.3.f, which could be met if the applicant submits a draft of the articles of incorporation for the homeowners association and revises the enforcement procedures for maintenance of the pervious pavement to the satisfaction of the Public Works Director.
- Condition of Approval 6, which could be met if the applicant prepares a development agreement regarding City finance improvements.
- Section 17.24.050.3, however, the Planning Commission, based on its authority to allow a cul-de-sac street longer than 450 feet, does approve the proposed length of the cul-de-sac.
- Section 17.24.050.6.b and Section 17.26.020.5.c, however, based on the recommendation of the Public Works Department and based on the unusual configuration of this parcel and the difficulties of providing connections to existing streets the Planning Commission permits a block length based on the length of the proposed length of the cul-de-sac.
- Section 17.24.050.10, which could be met if construction drawings for the sewer conform to the Public Works and DEQ standards.
- Section 17.24.050.12, which could be met if the Detailed Development Plan is amended to move the water easement between lots 29 and 30 onto only one of the lots and widen it to 15 feet. In addition, this criterion could be met if the water easement in the developed Mill Stream Woods subdivision is located on only one lot.

- Section 17.24.040.6.b, which could be met if the construction plans include revised draft Homeowners Association documents that provide for the pavement maintenance program to be implemented and a mechanism for the City to enforce this provision.
- Sections 17.20.220.2.a through 17.20.220.2.f and Sections 17.20.220.2.h through 17.20.220.2.o, which could be met if the applications for building permits for the attached single family dwellings include details on the foundation materials and reveal, the width of trim, the eave overhang, and a front setback of no more than 20 feet. The multi-family dwellings on lot 54 will need to go through a Site Plan Approval process and this standard may be addressed in detail at that time.

V. ORDER

Based on the findings and conclusions above, the Planning Commission approves the application for a detailed development plan with the following conditions of approval which are necessary, appropriate and feasible to bring the application into compliance the standards and criteria for approval. The approval is also subject to the standard conditions of approval for all land use applications, as attached to this Order.

The Conditions of Approval are divided into four groupings. The Planning Commission requires the submittal of a revised Detailed Development Plan to the Planning Commission for its final approval. The first grouping of conditions requires amendments to the Detailed Development Plan. Under the Stayton Municipal Code the applicant has one year after the final approval to submit to the Planning and Development Director Construction Plans that provide further detail on the construction of the improvements in the development. The second grouping of conditions is issues to be addressed in the preparation of the Construction Plans for review by the City Engineer. Following approval of the Construction Plans, the applicant has two years to construct the improvements and submit a Final Plat to be recorded. The third grouping of conditions addresses the preparation of the Final Plat. Once the Final Plat has been recorded then construction of homes in the development may proceed. The final grouping of conditions addresses the construction of homes in the development.

Preparation of Revised Detailed Development

No later than August 15, 2011 the applicant shall submit to the City Planner a revised Detailed Development Plan. The Detailed Development Plan shall contain the following changes:

1. The location of the Natural Resources Overlay District shall be identified on Sheets 1, 3, and 4.
2. The ownership of the open space shall be shown as determined by the City Council.
3. The water easement between lots 29 and 30 shall be moved so it is located on only one of the lots and shall be widened to 15 feet.
4. The Street Improvement Plan shall show the 8-inch pervious concrete pavement section over 12-inches drain rock storage layer with the appropriate rock size and design void ratio in accordance with the storm drainage report.
5. The alley behind Lots 48-54 shall be revised to provide through vehicular connection to Lot 55.

If submitted in a timely manner, the revised Detailed Development Plan shall be presented to the Planning Commission for signature of the Commission chairman at the August, 2011 meeting.

Preparation of Construction Plans

1. The Construction Plans shall include the pavement section with a base rock storage layer having the appropriate design void ratio, drainage geotextile, etc. Provide a minimum 2-foot deep, 30-mil waterproof geomembrane at the asphalt concrete pavement to pervious concrete pavement connection within Florence Street to protect the public asphalt pavement section from the infiltration area.
2. All sidewalk and intersection improvements along E. Florence Street and Fourth Avenue shall be identified to the satisfaction of the Public Works Director.
 - Depending on the existing pavement condition, 4th Avenue shall be improved with a half-street improvement across the frontage of the property.
 - The Construction Plans shall include a new 5-foot wide sidewalk on the south side of Florence Street extending through the 4th Avenue intersection to an ADA ramp and curb radius at the intersection.
3. The City of Stayton will dedicate right-of-way on the south side of Florence Street along the community garden parcel to create a full-width right-of-way plus a sufficient area at the intersection to account for the required 1-foot minimum clearance behind the back of the sidewalk. The Construction Plans shall show dedication of sufficient right of way on the north side of Florence Street to provide the same.
4. The Construction Plans shall include the following signage:
 - Alleys and the complete turnaround loop shall be signed for no parking.
 - The turnaround loop shall be signed as one-way only.
 - The private street shall be signed with a private dead-end street sign to clearly identify the private dead-end street.
 - Adequate signage shall be provided throughout the project to promote public awareness and sensitive nature of the storm water low-impact development techniques that are being used within the development.
5. The Construction Plans shall show separate 4-inch sewer services to each residential unit and 6-inch services to any commercial or multifamily building. Property line cleanouts shall be provided at all services. All service piping within the pervious concrete pavement area shall be pressure rated piping.
6. The sanitary sewer system main line shall be public with platted access, maintenance, and replacement easement.
7. The sewer system shall be designed in accordance with Public Works and DEQ standards. The Construction Plans shall address the following:
 - Revise the sewer design to comply with the minimum pipe slope requirements.
 - All main lines within the pervious concrete pavement area shall be pressure rated piping.

- The manholes near the open space area may need to have watertight lids depending on the storm water final design overflow ponding elevations. Any buoyancy issues associated with the shallow sewer mains will also need to be addressed.
 - Given the slope of the sewer main trench section, provide a vertical cut-off wall at the asphalt to pervious concrete pavement connection in order to prevent storm water from migrating through the granular bedding, pipe zone, and backfill area of the sewer main. Same goes for all other underground utilities entering the project.
8. Existing sewer pipes and/or structures that are abandoned on the property shall be removed or abandoned in a manner approved by Public Works Director and Marion County Building Inspection. Depending on existing pipe conditions, over-excavation and engineered fill may be required. It is important that these old pipes do not negatively impact the building footings or introduce water or settlement. The location of existing and abandoned pipes should be carefully reviewed with the building official and should be anticipated when siting any structures on the property.
 9. The Construction Plans shall show fire hydrants for the in accordance with City Public Works and Fire District Standards.
 10. The Construction Plans shall show individual water services to each unit. The individual water meters to each residence or business shall be located within the adjacent street right of way.
 11. The Construction Plans shall show the water easement in the developed Mill Stream Woods subdivision located on only one lot and may be reduced to 10-foot wide, depending on accessibility.
 12. The storm water drainage design shall conform to the requirements of the City of Stayton's Storm Drainage Master Plan and the new Public Works Design Standards. The project storm water drainage design shall not inconvenience or cause harm to any adjacent property and/or water body. Both water quantity and quality provisions shall be incorporated into the design, as illustrated in the project's detailed development plan and supporting documentation.
 13. The Construction Plans shall include special provisions showing construction specifications for the pervious concrete pavement, and all other Low Impact Development features (LIDs) as appropriate, for City review and approval at or before the time the detailed engineering design plans are submitted to the City.
 14. The Construction Plans shall include a description of the measures to be taken during construction to protect the pervious concrete pavement from high sediment loads, particularly fine sediment. Runoff from disturbed areas should be diverted away from the pervious concrete pavement until they are stabilized, which includes during the build-out of the lots. The following construction-related LID design information that is to be followed during construction for each LID technique shall be clearly outlined on the detailed engineering design plans. This information shall be provided in a table, or other acceptable format on the plans.
 - LID construction sequencing plan.
 - LID best management practices and protective measures.

- LID compaction requirements.
15. The Construction Plans shall identify address the area behind lot 39 in order to prevent storm water from ponding in this area.
 16. The Construction Plans shall include a final operation and maintenance (O&M) manual and scheduled maintenance plan to the City for review and approval. The O&M manual and maintenance plan shall be developed for use by the Homeowner's Association. At minimum, the O&M manual shall address in detail the maintenance of the pervious concrete pavement within the streets, alleys, and driveways, and address in detail the pathway, rain gardens, bio-swales, and other storm water facilities, including the common landscaped areas and open spaces. Trash enclosure areas located adjacent to any LID shall also be addressed.
 17. With the submission of Construction Plans, the developer will prepare and submit a development agreement for City/Developer shared improvements to the City of Stayton. These include the pedestrian pathway to the bridge, off-site pedestrian walkways, the connection walkway and a future bridge to Pioneer Park.

Preparation of Final Plat

1. Prior to the submittal of a draft Final Plat to the Marion County Surveyor, the applicant shall submit a copy of the Articles of Incorporation of the Homeowners Association for review and approval by the City.
2. The Articles of Incorporation of the Homeowners Association shall specify that the City of Stayton, as owner of what is shown as Lot 17 on Detailed Development Plan shall be member of the Association and shall have all rights and responsibilities as all other lot owners in the development.
3. Prior to the submittal of a draft Final Plat to the Marion County Surveyor, the applicant will submit revised CC&Rs. The CC&Rs shall be amended to the satisfaction of the Public Works director to include the O&M manual addressed in Condition 16 and shall include provisions that allow the City to assure that the pavement maintenance is properly executed, with further provisions to allow the City of Stayton to take enforcement action against the Association for failure to properly follow the maintenance schedule. The CC&Rs shall include reference to the Tree Conservation Plan and prohibit the owners of lots 27, 30, and 31 from removing the trees shown as remaining.
4. The Final Plat shall identify how all private streets and common open space will be owned.
5. The Final Plat shall designate a public utility and access easement for the entire length and width of the private street to the end of the cul-de-sac and a 7-foot wide public utility and sidewalk easement on both sides of the private street, where needed.
6. Prior to the submittal of a draft Final Plat to the Marion County Surveyor, the applicant shall request the Stayton City Council hold a public hearing and make a decision regarding the vacation of E Florence St right of way in accordance ORS 92.
7. All easements required by Public Works shall be identified on the Final Plat as dedicated to the City of Stayton.
 - The easement width for a single waterline shall be 15-feet.

- The water main line shall be public with an access, maintenance, and replacement easement. The conditions of the easement shall be such that the easement shall not be used for any purpose that would interfere with the unrestricted operation and maintenance of the utility.
 - If required by the Construction Plans, a drainage easement to assure the area behind Lot 39 does not pond storm water.
8. The Final Plan shall City of Stayton shall dedicate sufficient right of way on the north side of Florence Street to create a full-width right-of-way plus a sufficient area at the intersection to account for the required 1-foot minimum clearance behind the back of the sidewalk.

Construction of Buildings

1. When submitted, applications for building permits for the attached dwelling units shall be in compliance with the design standards of Section 17.20.220.2.
2. The development of the multi-family dwellings on lot 55 is subject to a site plan review procedure before the Stayton Planning Commission.
3. Depending on whether existing sewer pipes are removed or abandoned and depending on pipe conditions, over-excavation and engineered fill may be required. It is important that these old pipes do not negatively impact the building footings or introduce water or settlement. The location of existing and abandoned pipes should be carefully reviewed with the Marion County Building Inspection and should be anticipated when siting any structures.

In addition, the Planning Commission wants to make sure that you are aware of the requirement of Section 17.12.090.7 that the Construction Plans must be submitted within one year of this approval.

VI. APPEAL DATES

The Planning Commission's action may be appealed by an aggrieved person to the Stayton City Council pursuant to Stayton Municipal Code Section 17.12.400 within 14 days of the mailing of the notice of the decision.

APPROVED BY THE STAYTON PLANNING COMMISSION ON THIS 27th DAY OF JUNE 2011.

Chairperson,
Ralph Lews

Date

Director of Planning and Development,
Dan Fleishman

Date

shall be reviewed by the City Engineer and signed approved by the City Engineer, or Stayton Public Works Department, prior to construction.

11. **Street Acceptance** - Where public improvements are required, acceptance of completed public street improvements associated with the project shall be in accordance with SMC 12.04.210.
12. **Construction Approval** - All public improvements and public utilities shall be fully constructed and a letter of substantial completion provided by the City Engineer prior to any building permit applications being accepted or issued unless the required improvements are deferred under a non-remonstrance or other agreement approved and signed by the City. Construction items must be completed within a specified period of time provided in the approval letter or the approval of any additional building permits will be withdrawn by the City.
13. **Maintenance Bond** - After completion and acceptance of a public improvement by the City, the developer shall provide a 1-year maintenance bond in the amount of 30% of the construction bond amount. The bond shall be in a form acceptable to the Director of Public Works.
14. **As-Builts** - Where public improvements are required, the developer shall submit to the City, reproducible as-built drawings and an electronic file of all public improvements constructed during and in conjunction with this project. Field changes made during construction shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). As-built drawings shall be submitted prior to final acceptance of the construction, initiating the one-year maintenance period.
15. **Drainage Permit** - A 1200C permit will be secured by the developer if required under the rules of the Oregon State DEQ.
16. **SDC** - Systems Development Charges are applied to the project at the time of issuance of a building permit.

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of
The application of
Susan Horvat, Applicant

) Detailed Development Plan for
) Master Planned Development
) File # 9-04/10

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF APPLICATION

The application is for detailed development plan approval of a Master Planned Development to be known as Old Mill Village. The proposal is to subdivide a 6.5-acre lot into a ~~54~~⁵⁵-lot, ~~60~~⁶⁷-dwelling unit subdivision.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on April 25, 2011 and continued until May 31, 2011.

Following the close of the public hearing, the Planning Commission reviewed the material and testimony on the record, began deliberations on the application, and reached the following findings, conclusions and decision.

III. FINDINGS OF FACT

A. GENERAL FACTS

1. The owner of the property is Wampler Family LLC.
2. The applicant is identified as Susan Horvat. Ms. Horvat is a member of the Wampler family and partner in the LLC.
3. The property can be described as Tax Map 091W10DC, Lots 07000, 07100, 07101, 07600, 07700, 07800, 07900 and Tax Map 091W10DD Lots 00400, 00600, 00700, and 00800.
4. The property is zoned Downtown Residential Mixed Use (DRMU), Downtown Medium Density Residential (DMD) and Natural Resource Overlay District (NROD).
5. The property is located at the corner of N Fourth Ave and E Florence St and along E Florence Street.
6. The property is abutted on the south by land owned by the Santiam Water Control District (SWCD) and the Stayton Power Canal. It is abutted on the east by land owned by the SWCD and leased by the City of Stayton as Wilderness Park. It is abutted on the north by land owned by the City of Stayton and used as Pioneer Park, by single family detached homes in the Millstream Woods development, by single family detached homes on Ida Street, and by a commercial establishment on Fourth Ave. The property to the west across Fourth Ave is used as a credit union. The property immediately to the west is owned by the City of Stayton and currently used as a community garden.
7. The Stayton Power Canal and most of the land to its south are zoned Public/Semi-Public (P). There is land on the south side of the Canal across from the subject property zoned Light Industrial but used as a single family detached residence. The property to the east is zoned P.

The properties to the north are zoned P and Low Density Residential (LD). The properties to the west are zoned DRMU and P.

B. EXISTING CONDITIONS

1. The property is currently comprised of five single family detached dwellings and undeveloped land. The site was formerly the location of the Paris Woolen Mill.
2. E Florence St is a city-owned street with a right of way varying between 50 and 10 feet in width. E Florence St dead ends in the interior of the subject property.
3. The land is generally flat with a range of elevation between 451 at the southwest corner to 454 along its easterly edge. There are some slight depressions from the remains of the former development on the site, with the lowest elevation being 449.
4. The property is bordered on three sides by bodies of water. On the south is the Stayton Power Canal. Along a portion of the north boundary is a small strip of city-owned property and then the Salem Ditch. On the east is a waterway that conveys water from the Stayton Power Canal to the Salem Ditch.
5. The owner has entered into an agreement for the sale of parcel of land to the City to provide public access from E Florence St to a pedestrian bridge crossing the Stayton Power Canal.

C. APPROVED PRELIMINARY CONCEPTUAL PLAN

1. On July 27, 2009 the Planning Commission issued an Order of Conditional Approval for a preliminary conceptual plan for the proposed development.
2. The Order contained 18 Conditions of Approval to be addressed in the preparation of the Final Development Plan.

D. PROPOSED FINAL DEVELOPMENT PLAN

1. The applicant has submitted a number of plans during the application process. The most recent plan was submitted at the May 31, 2011 continuation of the public hearing.
2. The applicant proposes to construct a 55-lot subdivision on the subject property. The Detailed Development Plan Cover Sheet (Sheet 1) shows 55 lots. The proposal indicates there will be 20 single family detached dwellings, 34 single family attached dwellings and 13 multifamily units. The multifamily units will all be on one lot, in two buildings. The Detailed Development Plan Site Layout (Sheet 3) shows that the single family attached housing will be in structures of between two units and four units each.
3. The applicant proposes to realign and extend E Florence St to a total length of approximately 960 feet from Fourth Ave. The applicant proposes the City vacate all but the westerly 100 feet of E Florence St and from that point eastward the street be a private street. There will be a one-way loop drive on the north side of E Florence St serving 10 single family attached dwellings. E Florence St will terminate with a 47.5-foot radius cul-de-sac at its easterly end. There will be a private alley extending westerly from the one-way loop on the north side of E Florence St, providing rear access to 7 single family attached dwellings. The area of street right of way the applicant proposes the City vacate is 13,428 square feet.
4. The applicant proposes to create five areas of open space with a total area of 31,295 square feet.

- Tract A is along the southerly boundary of the parcel between the City-owned property to the west and the pedestrian bridge over the Stayton Power Canal. Tract A varies in width between 15 feet and 30 feet, to provide 30 feet of open space along the Stayton Power Canal. The area of Tract A is 16,923 square feet. The applicant proposes that Tract A be owned by the Homeowners Association.
 - Tract B consists of a 20-foot wide pedestrian access located between lots 16 and 17 and connecting E Florence St with the pedestrian bridge over the Stayton Power Canal. Tract B will also be used as storm water bio-swale. Tract B has a total area of 2,157 square feet. The applicant proposes that tract B be dedicated to the City.
 - Tract C is also along the southerly boundary of the parcel between the pedestrian bridge over the Stayton Power Canal and easterly edge of the property. Tract B is approximately 15 feet in width, to provide 30 feet of open space along the Stayton Power Canal. The area of Tract C is 3,025 square feet. The applicant proposes that Tract C be owned by the Homeowners Association.
 - Tract D consists of a triangular strip of land 30 feet wide on the east end and 235 feet long along the northeasterly boundary of the property adjacent to Pioneer Park. The area of Tract D is 2,837 square feet. The applicant proposes that Tract C be owned by the Homeowners Association.
 - Tract F is located on the north side of Florence St, between the street and the loop drive. The applicant proposes (Sheet 11) that Tract F be landscaped, contain a walkway and benches. The area of Tract F is 9,794 square feet. The applicant proposes that Tract C be owned by the Homeowners Association.
5. In addition to the open space described above, the applicant proposes two other tracts to be owned by the homeowners association.
- Tract E is located between Lot 27 and Lots 24, 25, and 26. It will serve as a shared driveway for lots 24, 25, and 26. In addition there will be public access easement from the E Florence St cul-de-sac to the north boundary of the parcel. Tract E is 40 feet wide. The public access easement is 15 feet wide on the northwest side of the Tract. The area of Tract E is 5,741 square feet. The applicant proposes that Tract E be owned by the Homeowners Association.
 - Tract G is located to the north of Lots 48 through 54. It will serve as an alley and shared access to these lots, which will not have driveway access to E Florence St. Tract G is 28 feet wide. The proposed alley improvement is 20 feet wide. The Plans (Sheets 1 & 10) indicate that though Tract G will extend westerly to Lot 55, the alley improvement is not proposed to extend to the end of the Tract and the alley will not provide a vehicular connection with the parking area for the multifamily buildings on Lot 55. The area of Tract G is 3,836 square feet. The applicant proposes that Tract G be owned by the Homeowners Association.
6. The applicant has proposed that the street and alley paving in the development will be pervious concrete. Sidewalks, curbs and driveways are proposed to be standard concrete. Driveways and roof drains will be directed to rain gardens on individual lots to keep storm water from entering the street. The applicant has submitted a narrative describing the

features of the pervious concrete and the required maintenance. The pervious concrete will be 8 inches thick with approximately 17% voids, on top of 12 inches of base rock with 25% voids. The maintenance schedule calls for weekly sweeping from September to December, monthly sweeping from December to April and semi-monthly sweeping from April to September. It will be the responsibility of the homeowners association to maintain the pervious pavement.

7. The applicant has submitted a Stormwater Drainage Calculations and Report prepared by Mark Grenz, PE. The report was revised after review and comment from the City Engineer. The report states that tests on the site show a minimum infiltration rate of 1.9 inches per hour. The report has estimated the storage volumes required, using an infiltration rate of 1.0 inch per hour and 0.7 inches per hour. With an assumed infiltration rate of 1.0 inch per hour, the report estimates a required storage capacity of 2,529 cubic feet for a storm with a 25-year frequency, and 13,886 cubic feet for a 100-year frequency storm. With an assumed infiltration rate of 0.7 inches per hour, the required storage capacity increases to 21,209 cubic feet for the 100-year frequency storm. The report indicates that the site will provide 20,365 cubic feet of storage capacity in the voids of the pavement structure and in Tract F.
8. The proposed master plan development received Preliminary Plan approval from the Stayton Planning Commission on July 27, 2009. There were 18 conditions placed on that approval. These conditions are specifically addressed below.
9. In September 2009, the applicant appeared before the Stayton City Council for a determination as to the ownership of the open space in the master planned development. The City Council determined that Tracts A, B, C, and D would be dedicated to the City and that Tract F would be owned by the homeowners association.
10. The City and the owners have come to an agreement on the purchase of land within the development. The City intends to purchase Lot 17 and Tract B before final approval of the application in order to provide access to the pedestrian bridge over Stayton Power Canal. A dwelling unit will not be built on Lot 17.

E. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Wave Broadband, Stayton Cooperative Telephone Company, Pacific Power, Northwest Natural Gas, Stayton Fire District, Marion County Public Works, Santiam Water Control District, and Stayton Police Department. The following comments were received:

City of Stayton Public Works submitted an extensive review memorandum. Their comments are incorporated into the findings for the specific approval criteria in Section G below.

Marion County Public Works responded with no comments.

Stayton Police Department responded with no comments.

Santiam Water Control District provided a written statement at the May 31 continuance of the public hearing, requesting the hearing be further continued.

F. PUBLIC COMMENTS

The Planning Department received one written comment from the public on this application before the public hearing. Steve Frank wrote that E Florence St should remain a public street.

At the April public hearing there was no testimony in favor of or opposed to the proposal. There were questions from Pat Lierman. At the May continuance of the public hearing there was testimony from Reese Bourdeau and from Dan Brummer in opposition to the proposal. Ms. Bourdeau expressed concern with the impacts of the development on the water system of the neighboring Mill Stream Woods subdivision, in which she lives. Mr. Brummer strongly encouraged the Planning Commission to require public access along Stayton Power Canal and to require dedication of Tract A as public, noting that the City's Master Trails Plan should be complied with.

G. COMPLIANCE WITH CONDITIONS OF APPROVAL FOR THE PRELIMINARY PLAN

The July 27, 2009 preliminary plan approval contained 18 conditions. These conditions have been addressed by the applicant in the following manner:

1. *When submitted, the Detailed Development Plan shall include a walkway from the City-owned parcel to the west of this parcel to the new pedestrian bridge a minimum width of 10 feet to be located at the northerly edge of the parcel to be dedicated to the City as open space. In addition, the detailed development plan shall more completely indicate the proposed landscaping for the remainder of the NROD not to be dedicated to the City.*

The applicant has changed the detailed plan to remove the walkway and is requesting that the open space adjacent to the Stayton Power Canal be owned by the homeowners association not dedicated to the City. No additional information regarding landscaping has been submitted.

2. *When submitted, the Detailed Development Plan shall include a minimum of 67 dwelling units.*

The detailed development plan calls for 67 dwelling units.

3. *Before the submittal of the Detailed Development Plan, the City Council shall make its determination regarding ownership of the common open space.*

In September 2009, the City Council determined that Tracts A, B, C, and D would be dedicated to the City and that Tract F would be owned by the homeowners association. The applicant now proposes that Tracts A, C, D and F be owned by the homeowners association.

4. *When submitted, the Detailed Development Plan shall include detailed information regarding the formation, operation, and financing mechanisms of the homeowners association. The submission shall provide:*

- a. *draft covenants for mandatory membership in the homeowners association setting forth the owners rights, interest, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling to be sold;*

Draft covenants have been submitted.

- b. *draft articles of incorporation of the proposed homeowners association as a not-for-profit corporation;*

Draft articles of incorporation have not been submitted.

- c. *draft by-laws of the proposed homeowners association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities; and*

The subject matter covered by by-laws has been incorporated into the covenants.

- d. *provisions allowing the City to assure that the pavement maintenance schedule required by Condition 10 is properly executed, with further provisions to allow the City of Stayton to take enforcement action against the Association for failure to properly follow the maintenance schedule.*

The draft covenants contain a maintenance schedule and provisions regarding enforcement by the City. The City Engineer has expressed concerns about the adequacy of the enforcement procedures.

The association shall be given the power and authority to place liens on the property of owners who fail to pay periodic dues. The Association shall be given the responsibility and authority to carry out any part of this approval, the approval of the Detailed Development Plan, the construction drawings or other City approval regarding maintenance and upkeep of streets, curbs, sidewalks, and any common open space the City Council determines will be owned by the association.

The draft covenants contain the above provisions.

5. *When submitted, the Detailed Development Plan shall provide for access to Pioneer Park or Wilderness Park in accordance the Parks Master Plan.*

The detailed development plan provides for access to Pioneer Park by a public access easement within Tract E.

6. *As part of the detailed plan submittal and before final Planning Commission approval, the City and Developer will prepare a development agreement for City/Developer shared improvements that involve city financing. These include the pedestrian bridge, off-site pedestrian walkways, the connecting walkway and a future bridge to Pioneer Park or Wilderness Park on the north side of the Power Canal.*

A development agreement has not been prepared.

7. *When submitted, the Detailed Development Plan shall include 5-foot sidewalks on E Florence St.*

The plan includes 5-foot sidewalks on E Florence St.

8. *When submitted, the Detailed Development Plan shall include plans for the extension of a new sanitary sewer from Fourth Avenue through the project.*

The plan includes new sanitary sewer from Fourth Avenue through the project.

9. *When submitted, the Detailed Development Plan shall include a new properly sized water main (minimum 8-inch) E Florence St from the 12-inch main on Third Ave into and through the project, with some form of water main looping to the water grid.*

The plan includes an 8-inch water main from Third Ave and provides looping by connecting to the existing 6-inch water main in Mill Stream Woods.

10. *When submitted, the Detailed Development Plan shall include a maintenance program for annually sweeping, treating and vacuuming the pavement to keep the pavement pores open and functioning indefinitely. Should Public Works determine it necessary, a backup drainage system*

to convey storm water to the Salem Canal in the event the porous pavement plugs over time shall be included. All on-site storm water discharge shall be analyzed by a recognized and approved groundwater transport professional who will submit an analysis, developed from field testing, of the transport times to the canal and effectiveness of water quality treatment by the soils. Alternately, the Detailed Development Plan could include standard paving and a storm water drainage system meeting the storm water detention and storm water quality requirements of the 2009 Storm Water Master Plan.

The covenants include a pavement maintenance schedule. The plan includes a bioswale that directs storm water towards the Stayton Power Canal, not the Salem Ditch. The Stormwater Drainage Calculations and Report included analysis of transport times.

11. When submitted, the Detailed Development Plan shall include details on the design and construction of the proposed walkway between lots 16 and 17 in relation to the delineated wetland.

The pedestrian bridge location has been moved to the west to avoid the delineated wetland.

12. When submitted, the Detailed Development Plan shall include written approval of the proposed subdivision name from the Marion County Surveyors Office.

The name of the subdivision has been changed from Mill Crossing to Old Mill Village, which is approved by the Marion County Surveyors Office

13. When submitted, the Detailed Development Plan shall include statements of general architectural and site design for the attached residential dwellings. The multi-family dwellings on lot 54 will need to go through a Site Plan Approval process and this standard will be addressed in detail at that time.

Sheet 5 contains architectural drawings of the attached dwellings.

14. When submitted, the Detailed Development Plan shall include details on driveway locations and revised footprints for the attached single dwellings, meeting the requirements of Section 17.20.220-2.

Sheet 4 shows driveway locations and revised footprints for the attached dwellings.

15. When submitted, the Final Plat shall designate that all private streets and common open space shall be owned and maintained by the Homeowners Association.

The final plat will not be submitted until after construction of the street and other improvements.

16. When submitted, the Final Plat shall designate a public utility and access easement on the final plat for the entire length and width of the private street to the end of the cul-de-sac and a 7-foot wide public utility and sidewalk easement on both sides of the private street.

The final plat will not be submitted until after construction of the street and other improvements. The detailed development plan shows the public utility easement as described except in front of Lots 48 through 54, where the City Engineer has indicated one is not necessary because utilities will be provided through the alley in Tract G.

17. The applicant shall comply with either ORS 271 for the vacation of the street or ORS 92 if the vacation is part of the subdivision platting process.

Vacation of the street will require a public hearing by the City Council in accordance with ORS 92.

18. *When submitted, the Detailed Development Plan shall include written approval from the Stayton Fire District of the design of the loop drive and alley.*

The Fire District has approved the loop drive and alley.

H. ANALYSIS – MASTER PLANNED DEVELOPMENT

The application for master plan development is required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.24.090.5 and the design criteria of Section 17.24.100, which also include reference to the requirements of Sections 17.24.050 and 17.24.080, SMC Title 12 (Streets, Sidewalks and Public Places) and the City's Standard Specifications. Attached residential structures in the Downtown zones must meet the requirements of Section 17.20.220.2.

G. APPROVAL CRITERIA

Pursuant to the Stayton Municipal Code, the following criteria must be demonstrated as being satisfied by the application:

Section 17.24.090.9 DETAILED DEVELOPMENT PLAN APPROVAL CRITERIA

The decision authority shall approve the detailed development plan upon finding that the detailed development plan conforms to the concept plan and required conditions of approval. Minor changes to the approved preliminary plan may be approved with the detailed plan when the approval body finds that the modification(s) are consistent with the criteria below. Changes exceeding those specified below must be reviewed as major modifications under Section 17.12.150.

- a. *Increased residential densities by no more than 20% provided such increase conforms to the Comprehensive Plan and underlying district.*
- b. *Increase in lot coverage or impervious surface by no more than 15% over that which is approved.*
- c. *Reduction in open space or landscaping by no more than 10%.*
- d. *Increase in overall automobile parking spaces by no more than 10%.*
- e. *No change in land use shall be permitted without a major modification to the preliminary plan.*
- f. *Proposals to add or increase lot coverage within an environmentally sensitive area or areas subject to a potential hazard shall require major modification to the preliminary plan.*
- g. *Changes in the location of buildings, public infrastructure, landscaping or other site improvements by more than 50 feet, or 15% relative to setbacks.*

Finding: The Detailed Development Plan substantially complies with the approved preliminary conceptual plan and the conditions of approval. The changes from the approved conceptual preliminary plan are not of a magnitude to constitute a major modification. However, the

changes do require analysis and findings to assure that the Preliminary Concept Approval Criteria of Section are still met.

- a. *All relevant provisions of the Comprehensive Plan are met.*

Finding: The relevant provisions of the Stayton Comprehensive Plan include

Chapter 1 Introduction, Planning Program, F. Public Facilities and Services

1. *Provide adequate and attractive park, recreation, and open space facilities.*

b. *Preserve and/or conserve open space corridors along creeks, urban drainage corridors and especially the North Santiam River.*

c. *Identify a network of off-street trails throughout the Stayton area.*

Finding: The preliminary plan was approved showing the open space along the Stayton Power Canal was to be dedicated to the City and with a condition that required the detailed development plan to include a walkway from the City-owned parcel to the west of the subject parcel to the new pedestrian bridge a minimum width of 10 feet to be located at the northerly edge of the parcel to be dedicated to the City as open space. The detailed development plan proposes that Tracts A and C be owned by the homeowners association and not have public access or a trail.

The detailed development plan proposes an on-street sidewalk along E Florence St that will provide public access to Tract B.

The detailed development plan proposes that a triangular strip of land 235 feet long and 30 feet wide on the east end along the northeasterly boundary of the property, adjacent to the Salem Ditch be maintained as open space, as Tract D.

Chapter 2 Natural and Historic Resources, Natural Resource Policies

NR-5 *The City of Stayton shall provide or protect open space resources through measures such as public ownership of parkland and open space dedication requirements in the development ordinance.*

Finding: In addition to the open space described above, the application proposes establishment of a 9,794 square foot open space (Tract F) between E Florence St and the private drive serving lots 37 through 46.

NR-11 *Vegetation along streams and rivers should be maintained in a natural state.*

Finding: The site was previously used for industrial purposes with buildings immediately adjacent to the Power Canal. The existing vegetation is not in a natural state, consisting of grass and isolated trees. The applicant submitted a landscape plan with the Preliminary Conceptual Plan that included planting Red Alders and Pacific Dogwoods in Tracts A & C along the Stayton Power Canal. These trees will be underlain by blue gama grass. The applicant had submitted a landscape plan in the remainder of the Natural Resources Overlay District proposing a dense planting of a mix of Woods Roses and three varieties of Barberry along the rear property lines.

The Tree Conservation Plan (Sheet 8) indicates the existing trees to be removed and those to remain. The draft CC&Rs do not make any reference to Tree Conservation Plan and do not prohibit cutting the trees the Plan indicates will remain.

Chapter 4 Public Facilities and Services, Public Facility Policies

PF-8 Areas along the waterways should be preserved for the passive enjoyment of the scenic and natural sites.

Finding: The Detailed Development Plan includes maintenance of an approximately 725-foot long, strip of land along the Stayton Power Canal varying between 15 feet and 30 feet in width as open space. The Plan proposes that with exception of access to the pedestrian bridge, this open space will be owned by the homeowners association.

In October 2007, the City adopted a Downtown Transportation and Revitalization Plan (DTRP) as an amendment to the Comprehensive Plan. The Downtown study area included the subject property, and concept plans for the development of the subject property were included in the planning process. Relevant provisions of the DTRP include the following:

II. VISION, GOALS, POLICIES AND ACTION ITEMS

Goals-Streetscape and Pedestrian Environment

- *Waterways are more accessible and these features help establish a special character to Downtown.*

Finding: The detailed development plan proposes maintenance of an approximately 725-foot long, strip of land along the Stayton Power Canal varying between 15 feet and 30 feet in width as open space to be owned by the homeowners association.

V. DESIGN, TRANSPORTATION AND LAND USE ELEMENTS

- *Redeveloping the Woolen Mill property for housing. The old Woolen Mill site and surrounding properties along Florence Street have been consolidated into single ownership and offer the potential for a significant higher density residential development close to the Civic Center and downtown. Access to and across Stayton Ditch to the Wilderness Park is possible as part of the development. Much of the property is currently zoned General Commercial.*

The Plan calls for high and medium density housing along Florence Street east of 4th Avenue. The current CG zoning will be replaced with medium density residential zoning and design standards adopted as part of the approval process. The design of the Civic Center, open spaces, public pathways and the residential development itself should be well coordinated so that these new public and private investments in the south end of downtown maximize benefits for the entire area.

The Plan indicates MD zoning for the portion of this area currently zoned CG east of 4th Avenue, and for the area now zoned LD at the east end of Florence Street.

Finding: These provisions from the DTRP were implemented by amendments to the land use code. The subject property is now zoned Downtown Medium Density Residential (DMD) and Downtown Residential Mixed Use (DRMU). The DMD zone requires a

minimum of 10 dwelling units per acre. Residential development in the DRMU zone is required to be between 12 and 30 units per acre.

- ***Establishing links and access to parks, public facilities and waterways.*** Both the Salem and Stayton Ditches are found within the downtown area, and the Community Center/Library, Pioneer Park, Riverside Park and Wilderness Park are located at the perimeter of downtown. Improving the public access to these areas and connecting these resources to each other and to the downtown are unique opportunities.

The Plan calls for access opportunities to the waterways, either through pathways provided by new developments and private access possibilities provided by redevelopment. The development of the Mill property provides an opportunity to construct a pedestrian path along the Stayton Ditch to bridges to Riverfront and Wilderness Parks, and to extend pedestrian connections to a bridge over the Salem Ditch to Pioneer Park.

Finding: The Detailed Development Plan includes maintenance of the land on the north side of the Stayton Power Canal as open space to be owned by the homeowners association. The Plan does not include the construction of a pedestrian path along the Power Canal.

- h. *The proposed Master Planned Development's general design and character will be reasonably compatibly to the surrounding neighborhood.*

Finding: The subject property is located in the southeastern corner of the City's Downtown commercial area and is surrounded by City parkland, canals, and residential uses. The proposed uses are in conformance with the permitted uses in the district and reflect the surrounding neighborhood. Proposed homes of one and two stories are similar to those surrounding the property.

- i. *There are special physical or geographic conditions or objectives of development which warrant a departure from the standard ordinance requirements.*

Finding: The subject property is surrounded by water features on three sides, creating the opportunity for development design to take advantage of these features. The parcel also has public parks adjacent to it, on the opposite side of the water bodies. The water bodies and existing development patterns on neighboring land make typical grid-like street patterns impractical.

- j. *If new lots or parcels are created as part of the Master Planned Development, all applicable criteria of Section 17.24.050 (excluding subsections 8 and 11), Section 17.24.080, Chapter 17.26, Title 12, Standard Specifications, and adopted Master Plans shall be met.*

Findings relative to Sections 17.24.050 and 17.24.080, Chapter 17.26 and Title 12 are discussed below.

- k. *If a phased development, each phase shall be:*

- 1) *Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.*
- 2) *Arranged to avoid conflicts between higher and lower density development.*

Standard Conditions of Approval for Land Use Applications

1. Minor variations to the approved plan shall be permitted provided the development substantially conforms to the submitted plans, conditions of approval, and all applicable standards contained in the Stayton Land Use and Development Code.
2. **Agency Approval:** The applicant shall obtain all necessary permits and approvals from the City of Stayton prior to construction of the project.
3. **Change in Use** - Any change in the use of the premises from that identified in the application shall require the City Planner to determine that the proposed use is an allowed use and that adequate parking is provided on the parcel.
4. **Landscaping** - The applicant shall remain in substantial conformance to the approved landscaping plan and follow the criteria established in SMC 17.20.090 for maintenance and irrigation. Dead plants shall be replaced within six months with a specimen of the same species and similar size class.
5. **Utilities** - Utility companies shall be notified early in the design process and in advance of construction to coordinate all parties impacted by the construction.
6. **Agency Approval** - The Developer shall be responsible for all costs relating to the required public improvements identified in the approved plan and the specific conditions of approval and within the City Ordinances and Standard Specifications. The developer is also responsible for securing design approval from all City, State and Federal agencies having jurisdiction over the work proposed. This includes, but is not limited to, the City of Stayton, the Fire District, Marion County, DEQ, ODHS (water design), DSL, 1206C (state excavation permit), etc
7. **Construction Bonding** - Bonding shall be required if there are any public improvements. Prior to start of construction of any public improvement, the developer shall provide a construction bond in the amount of 100% of the total project costs, plus added City costs associated with public construction. The bond shall be in a form acceptable to the Director of Public Works.
8. **Inspection** - At least five days prior to commencing construction of any public improvements, the Developer shall notify the Director of Public Works in writing of the date when (s)he proposes to commence construction of the improvements, so that the City can arrange for inspection. The written notification shall include the name and phone number of the contracting company and the responsible contact person. City inspection will not relieve the developer or his engineer of providing sufficient inspection to enforce the approved plans and specifications.
9. **Public Works Standards** - Where public improvements are required, all public and private public works facilities within the development will be designed to the City of Stayton, Standard Specifications, Design Standards & Drawings (PW Standards) plus the requirements of the Stayton Municipal Code (SMC). (SMC 12.08.310.1)
10. **Engineered Plans** - Where public improvements are required, the applicant's engineer shall submit design plans for approval of all public improvements identified on the approved plan or as specified in conditions of approval. All design plans must meet the Stayton PW Standards. Engineered construction plans and specifications shall be reviewed by the City Engineer and signed approved by the City Engineer, or Stayton Public Works Department, prior to construction.

11. **Street Acceptance** - Where public improvements are required, acceptance of completed public street improvements associated with the project shall be in accordance with SMC 12.04.210.
12. **Construction Approval** - All public improvements and public utilities shall be fully constructed and a letter of substantial completion provided by the City Engineer prior to any building permit applications being accepted or issued unless the required improvements are deferred under a non-remonstrance or other agreement approved and signed by the City. Construction items must be completed within a specified period of time provided in the approval letter or the approval of any additional building permits will be withdrawn by the City.
13. **Maintenance Bond** - After completion and acceptance of a public improvement by the City, the developer shall provide a 1-year maintenance bond in the amount of 30% of the construction bond amount. The bond shall be in a form acceptable to the Director of Public Works.
14. **As-Builts** - Where public improvements are required, the developer shall submit to the City, reproducible as-built drawings and an electronic file of all public improvements constructed during and in conjunction with this project. Field changes made during construction shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). As-built drawings shall be submitted prior to final acceptance of the construction, initiating the one-year maintenance period.
15. **Drainage Permit** - A 1200C permit will be secured by the developer if required under the rules of the Oregon State DEQ.
16. **SDC** - Systems Development Charges are applied to the project at the time of issuance of a building permit.